

# **ALABAMA LAWS**

(and Joint Resolutions)

OF THE

## **LEGISLATURE OF ALABAMA**

**PASSED AT THE**

**SECOND SPECIAL SESSION OF 1965**

**HELD AT THE CAPITOL, IN THE CITY OF MONTGOMERY**

**COMMENCING ON THURSDAY, SEPTEMBER 9, 1965**



**GEORGE C. WALLACE, Governor**

**JAMES B. ALLEN, Lieutenant Governor**

**GEORGE HAWKINS, President Pro-Tem of the Senate**

**ALBERT P. BREWER, Speaker of the House**

**RANKIN FITE, Speaker Pro-Tem of the House**

**McDOWELL LEE, Secretary of the Senate**

**JOHN W. PEMBERTON, Clerk of the House**

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**WITH AN INDEX PREPARED BY THE**

**LEGISLATIVE REFERENCE SERVICE**

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The undersigned, as Secretary of State of the State of Alabama, does hereby certify that the book contains bills and joint resolutions enacted at the 1965 Second Special Session of the Legislature of Alabama and is the official publication of such acts.

Mrs. Agnes Baggett  
Secretary of State.

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**MESSAGE OF GOVERNOR GEORGE C. WALLACE  
TO JOINT SESSION OF ALABAMA LEGISLATURE  
AT SECOND SPECIAL SESSION SEPTEMBER 9, 1965**

Lt. Governor Allen, Mr. Speaker, members of the Alabama Legislature, ladies and gentlemen:

I have called this extraordinary session for the purpose of considering the urgent problem of apportioning the legislative power of our state government.

Before we get into this subject, let me compliment this legislature again for its outstanding accomplishments during the Special Education Session and during the recently ended Regular Session. I want to repeat what I said on that last day of your Regular Session. This legislature has an outstanding record of achievement in the field of education and in all areas of state services. I am certain that the people of this State will long remember your accomplishments with a warm feeling of gratitude.

With an outstanding record to your credit, it is now necessary for you to turn your entire attention to the subject of apportionment of the legislature. This very well could be one of the most important problems which you will ever be called upon to tackle, but it is vital, affecting all of the people of the State of Alabama, and we must solve it.

The problem is made more complex than it need be by the intrusion of the United States Supreme Court into this domain. Apportionment is simply allocating legislative power. Any question concerning this function has traditionally been left to the people to decide. It is not a problem for courts to solve.

However, it is a time when the very fabric of our American System is being torn to shreds. The United States Supreme Court has declared that the people do not have the power to determine how and in what manner their respective state governments will be formed. In Colorado, the United States Supreme Court knocked out a constitutional amendment approved by the people creating a house based on population and a senate on geographic and other factors. In California, the people have three times approved their own plan in statewide referendums, only to have the courts disallow it. In Kansas, the State Supreme Court blistered the United States Supreme Court for ordering the people how to allocate state legislative power. Kansas, a mid-western state, has even attacked the Fourteenth Amendment as fraudulently adopted.

All states of the Union have been affected. The United States Supreme Court has simply said the people cannot decide contrary to the wishes of the Court. Therefore, we are compelled to adjust our organic law and the traditional form of our legislature to meet the dictates of the appointees to the Supreme Court of the United States.

No, acting under the duress of the United States Supreme Court is not the American way of changing our form of government, but it is the Supreme Court's way of ordering changes in the organic law of both state and federal constitutions.

Change of government by duress repudiates the very foundation principle of the Federal Constitution set forth in the Declaration of Independence:

"Governments are instituted among men  
(which means created by men) and derive their just powers from the consent of the governed."

It is not "consent" when the people have no choice and when government may use force to compel "consent."

Even though we do not consent, the people of Alabama expect you and me to protect this state from an apportionment plan submitted by an attorney of the American Civil Liberties Union — said to be in exile — Chuck Morgan. The people of Alabama expect you and me to protect them against apportionment plans submitted by others which are similar to such plan.

I would not have called you into this session except that I know that the people of Alabama would much prefer that their elected representatives perform this apportionment task rather than leave the job to the federal court system.

What are we to do?

You will want to consider various plans submitted by the Legislative Reapportionment Committee. Several plans have also been submitted to the federal district court which you may want to evaluate—other than plans submitted to the court by enemies of state government.

The task of considering these plans will be simplified if you first subject all of them to the population criteria and narrow your consideration immediately to those which meet this necessary requirement.

In this way, you can immediately dispose of one much publicized plan submitted to the court for the simple reason that the population disparity between representative districts exceeds the ratio of 2 to 1 in many instances. I am not sure



whether the senatorial plan of this notorious plan was intended to be insulting or facetious.

You may also be able to discard other plans which by formation of excessively large house and senatorial districts sacrifice the county unit concept needlessly; unless, of course, you should decide to create senatorial districts corresponding as nearly as possible to existing congressional districts.

I am confident that we can arrive at both a house and a senate plan of apportionment which will meet federal population standards and at the same time incorporate such other constitutionally permissible factors as the county unit concept.

In any event, I consider it extremely important that this legislature enact a plan for apportionment. For I am confident that in the not too distant future, the right will be restored to the people to create and allocate the powers of state government as they see fit.

We will work together.

In the meantime, I cannot believe that the federal district court wants to write or prescribe the organic law of this or any other state.

It would be hard to imagine a less appropriate group to determine the structure of the legislative branch of state government than the non-representative branch of the federal government. I feel sure that most members of the federal judiciary are keenly aware of the inappropriateness in their situation.

Finally, if this legislature does not itself act to apportion, then the people of this State can point the finger of blame at this Legislature for any plan which the federal district court sees fit to fix upon us.

The people will be led to believe, as some newspapers now profess to believe, that it is not the United States Supreme Court responsible for depriving them of the right to structure state government, but that it is the legislature itself which construed the Tenth Amendment out of existence.

This is a strange distorted sort of logic, characteristic of many liberals who have a superficial knowledge of organic law and no respect for the values of a free society.

Let me conclude on this subject by saying this — there are plans which may be preferable to any thus far submitted to the court. Let us find them and let us enact them into law. Let us act expeditiously with the best interests of the people of this State constantly before us as our motive and our aim.

But legislative apportionment is but one facet of a larger struggle for the survival of our form of government.

It is of utmost importance for the people of this state and nation to realize that legislative apportionment under United States Supreme Court duress is but one example of steam-roller tactics employed against the people. The ultimate object of such actions is to reduce the separate states of this nation to impotency and subject the freedoms of us all to the permissive license of the powerful centralized government.

This reapportionment business is but another item in an expanding catalogue of federal usurpations of power, initiated, sanctioned and condoned by the United States Supreme Court. In fact, I am firmly convinced that the present United States Supreme Court is the most revolutionary force in this nation today.

Many people are not aware of the extent of the revolutionary actions of the United States Supreme Court. Let me cite a few examples.

It has outlawed and banned the recitation of a simple prayer in the public schools of this nation.

It has outlawed Bible reading and the saying of grace in lunchrooms and the saying of bed-time prayers in public orphanages.

In each of these instances it has elevated the religion of atheistic materialism above that of those who believe in God, and has lent the coercive power of the federal government to help banish God from recognition in public institutions.

All of this has been done in the name of freedom of religion. Are we to resist this trend?

The court has continuously assaulted the concept of private property. It asserts the power to regulate the acquisition of property in a lifetime and the manner of disposition after death. It has made a mockery of the trespass laws. It has sanctioned the dedication of private property to public use without consent of the owner and without compensation or a hearing. It has sanctioned regulation of life before the cradle and after the grave.

Are we to resist this trend?

It has compelled private citizens to render services to those whom they do not choose to serve under penalty of confiscation of property and trial without a jury.

It has specifically abolished by judicial decree the right to trial by jury in contempt proceedings despite the fact that the act

of contempt may be also a criminal offense. It is running the country by injunction and instilling fear into the heart of every man by the threat of imprisonment.

Are we to resist this trend?

The United States Supreme Court has asserted the power to initiate social and economic reforms and to administer, execute, try and punish those who resist their dictatorial decrees.

It has denied the right of the people to local self-government and the control of local democratic institutions by the democratic process of majority rule.

It has denied to the states and to local governments the right to perform the highest duty and responsibility of government—that of protecting the life and property of its citizens and the maintenance of peace and tranquility.

Are we to resist this trend?

The court has sanctioned, authorized, condoned and encouraged the occupation of small communities and now large ones by thousands of out of state riff-raff, communists, and fellow travelers, kooks, beatniks, prostitutes and bums and has handcuffed local law enforcement personnel who seek to prevent depredations against the peace and order. It has asserted the power to force the protection of these known communists, beatniks and prostitutes who clog our streets and violate our laws and who violate even federal court injunctions.

It has coddled our communist enemies within our midst. It has pampered and encouraged the criminal to believe that he can commit any crime with little likelihood of conviction.

It has licensed a flood of filthy literature through the mails and denied the states the right to protect their children from this evil.

It has shown a distrust of the idea of local self-government which has encouraged Congress to enact legislation patterned on the Russian system. It has given constant support to every socialistic trend.

Are we to resist this trend?

The Supreme Court is not the only branch of our government which has been engaged and continues to engage in actions which must inevitably destroy the states and local self government.

Congress has legislated the abominable Civil Rights Act of 1964 which destroys more personal freedoms than any act of Congress in the long history of this nation.

It has also enacted an unbelievable voting law. This law wipes out safeguards erected by the Alabama Legislature over a period of sixty-five years for the purpose of guaranteeing honest elections.

Today the bureaucrats are issuing certificates to vote to people who cannot read the ballot nor even the instructions on a ballot or on a voting machine. The left wing liberals need as many illiterates as they can get to vote in order to keep them in power. They need the fraudulent election processes of Chicago and other large cities. Now they have felt the need to open the way for fraudulent practices in the South and the need of the illiterate vote. This federal law says that you cannot challenge at the polls anyone to whom the federals have handed out a certificate. You cannot require identification. You cannot require witnesses to an "X" mark. The certificate can be passed from hand to hand and from person to person and it entitles the holder to vote. These certificates can be bought and sold. Local election officials have no way to identify the holder or to prove that one did or did not vote.

If election officials do not let a certificate holder vote, the United States Attorney General is authorized to prosecute. If they do not count the vote, even though fraudulent, the Attorney General is empowered to prosecute. If a candidate for office undertakes to contest an election, the federal courts are empowered to enjoin the certification of the results of the election for all offices throughout the State of Alabama.

The idea for issuing voting certificates originated with the Communist Party. It was known as the Lincoln Project and was adopted in Philadelphia in 1956. It even picked out the counties in the South where the communists would concentrate. The law passed by Congress has every major provision of the bill prepared by the communists in 1956.

Are we to resist this trend?

Now, let's take a look at how a part of the 1964 Civil Rights Act works out. The Secretary of Health, Education and Welfare has asserted the power to take over complete operation of local public school systems. Plans of the Department are based on the claim of power to determine the racial composition of public schools—the power to determine what teachers will be hired and fired—the power to determine the location of new school buildings—the power to supervise expenditures of state and local school funds and budgets—the power to determine courses which may be offered by a school.

In fact, there is not a single function connected with the public schools of this nation which the United States Department

of Health, Education and Welfare does not assert the power to control, including extracurricula activities, social affairs and functions, including membership in private fraternities and sororities. It further asserts the power to mix PTAs, to draw school district boundaries, to supervise the bussing, lunchroom operations and the activities of 4-H Clubs and the FFA organization.

Even now, the left wing radicals are busily engaged in the preparation of new textbooks for compulsory adoption on the ground that present social study textbooks are said to deny equal protection to certain minority groups by reason of inadequate presentation of what is referred to as their "cultural heritage."

As sweeping as are the powers sought to be granted by Congress, the United States Department of Health, Education and Welfare claimed even greater powers and adopted regulations not authorized by law and far beyond the expressed intent of Congress. The "blackjack" used is the loss of our own money.

We have enumerated a long list of complaints of the actions of the federal government. What is actually taking place in our nation? What is bringing about the growing crime rate and lawlessness?

The President, former Presidents, the Attorney General and many prominent men are almost daily speaking of the growing lawlessness in our nation. Law and order speeches are becoming quite common and yet, anarchy stalks the streets of this country. Murder, rape, riot, assault, and street violence are sweeping like a prairie fire about us. Merchants of entire towns pay blackmail money to a civil rights thug on his threat of street violence, boycott and chaos, as in centuries past when anarchy ruled parts of Europe and helpless communities paid tribute to whatever wandering band of savages who happened by, in order to save their village.

Where is the law? What has happened to the law?

First we must ask ourselves WHAT is the law of this land. When I stood in the doorway at the University of Alabama, I stood there to uphold the law, the Constitution of the United States. That day, I warned that the Attorney General of the United States was breaking the law. I warned that if authorities can get away with the breaking of the law, then lawlessness shall grow and beget more lawlessness, until lawlessness shall sweep our nation toward anarchy and we shall find ourselves either at the mercy of anarchy or at the mercy of a new law of tyranny directed from a central government and brought upon us as an excuse to stamp out the very lawlessness the same authorities brought about in the first place.

We must understand that the President of the United States is NOT the law. If he were, then each succeeding President would change this nation to suit his own whims. The Attorney General of the United States is not the law, nor is the Supreme Court, nor Congress, nor federal bureaus, nor federal judges.

The Constitution of the United States is the organic law. All powers of government are derived from it. There is only one legal way that the law, the Constitution, can be changed and that is by the amendment process. And yet, it has been changed without amendment. No amendment has been adopted to allow federal judges to reapportion your State. No amendment has been added to allow federal judges to interfere with your schools and the education of your children. No amendments have been added giving the federal government power to dictate to you whom you shall hire or fire, whom you shall accommodate or shall not accommodate. No amendment has been added that gives legality to any federal bureau's actions in threatening you with your own tax money. No amendment has been added to prevent little children from praying in schools and kindergartens.

The Constitution has been changed. It has been violated by lawbreakers in Washington, D.C.

When the Supreme Court broke the law in 1954, by substituting its theories and its will for the consummate wisdom and will of the people, it broke the law and opened a Pandora's Box of trouble. For no matter the knowledge of its members—knowledge is not wisdom and the power to coerce is not a substitute for the wisdom of the people.

When a bureaucrat interferes with the education of your child and substitutes his theories and his will for the wisdom of the people, he breaks the law. He may take that law, that Constitution, and read it over and over again, and he will find no paragraph, no sentence, no word that gives him the right to impose his will upon the people.

When a President of the United States goes on nation-wide television and sings the song of the communist street marchers and their poor dupes, "We Shall Overcome", he should have finished by telling the people what these organized, lawless armies intend to overcome; for they mean, "We shall overcome local school boards, local law enforcement, State legislatures . . . We shall overcome city governments and the structure of the separate States . . . We shall overcome the law and a civilization established by the will of the people and place over the people the will of a central tyranny."

This encouragement of street mobs to break the law is a

guarantee that the anarchy of Los Angeles shall come about and shall become an anarchy that threatens us all.

The anarchy of Los Angeles resulted in the death of thirty-seven people, in property damage approaching two hundred million dollars, in injuries affecting thousands of families, in burning, looting and criminal assault, but the federal courts, the justice department and bureaucracies have evidenced no interest in the communist influences behind this lawless army.

The attempted anarchy in Alabama was stopped cold in its tracks. There was no looting, no burning. There were no deaths on the scene of conflict and injuries were confined to a bare minimum. Law and order prevailed. But just today, the federal district court has issued a subpoena calling before it an officer of our State Troopers. This federal court demand covers nineteen points. It wants names of all troopers employed by this State on that date; it wants names of all troopers who upheld the law at Selma and at Marion, Alabama—it wants pictures, records, files, film, letters, memoranda, orders, regulations, telegrams, plus a long list of other demands.

I can only assume that the Justice Department now intends to attempt to indict law enforcement officers of the State of Alabama. This fits the pattern.

The action of the Justice Department is to continue the harassment, intimidation and eventual breakdown of local law and the officials who enforce it. No local law officer may now uphold the law with confidence, for he comes under the same threats, the same intimidation and harassment that is rapidly encompassing our citizens.

A thief may give any number of good reasons for his breaking the law, but he breaks it nevertheless. A politician, a federal judge, an attorney general, a federal bureaucrat, or a supreme court justice may give any number of reasons for his breaking the law, but he breaks it nevertheless. His reasons are not valid, for reasons are not excuses, and when any one of these break the law, he starts the crumbling process of our civilization and serves notice to every would-be lawbreaker in the land that he too may break the law if he has appealing excuses.

When I stood up for the law at the University of Alabama, some left-wing editors and politicians thought this was very funny. They are the same editors and politicians today who speak about law and order—and wonder at the causes of the Los Angeles anarchy.

When the Attorney General of the United States used guns and the threat of guns upon our people to impose the will of a

few men, he served notice to every thug in this nation that the law was only a scrap of paper, that if you could get enough guns, enough mobs, enough power, then you too could break the law and impose your will upon the people. His example has been followed all across this nation. His example is being followed today as state legislatures are being threatened, merchants, businessmen, school boards and even children in their schools are being intimidated and bullied.

Local school boards meet under threat of a federal bureaucrat. The businessman meets with his fellows under the threat of mobs and federal bureaucrats. The father is concerned about the welfare of his home and the mother is growing anxious over the safety of her child in school and on the streets.

No, I have never found that standing up for the law was very funny, whether a county sheriff does it on a dusty road, or a lawyer does it in a courtroom or a governor at the door of a schoolhouse.

We have choices before us which are growing more stark and brutal. We may submit to the anarchy. We may submit to the legalized tyranny in the hope of peace through slavery, or we may stand up for law and the civilization of western man.

For me, there is only one course, the course I have taken and from which I will not turn back. To those who say this is impossible, I would remind them of the words of Thomas Carlyle "All noble tasks are at first impossible." And our task is not impossible.

To those so-called liberals who are voicing mock concern over what they call the growing power of George Wallace, I would suggest that their concern could better be placed in the growing power of tyranny and the washing tides of anarchy. I would further suggest that they are not concerned about me—but about the growing power of the people.

I know that what I am going to ask now may be an imposition to you, there at home, but I would like to ask you to write me, or wire me, or send me word of your feelings—for I want to speak for you and champion what you would have me champion. I want to know that you are with me in our cause for the law and civilization. If you feel a need for me in the job I try to do, then I want you to know that I feel a need for you. I need your support.

This is your legislature, it is not the federal government's. This is your legislature, it does not belong to the President—or not even to a supreme court. This legislature does not belong exclusively to a few newspaper editors—it belongs to you. It is



here on your business and if we will win our cause, then you, the citizen, must take the time required of free men and make us hear your wishes and your will.

This legislature has made history. It is a record to be proud of. I urge you to make history again. Let's come up with the best apportionment plan possible. I am confident you will.

I thank you.

# ALABAMA LAWS

## And Joint Resolutions

### SECOND SPECIAL SESSION, 1965

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Act No. 1                      H.J.R. 4—Sessions, Vacca, Bowers, Gilmore,  
Brown (Jefferson), Meeks,  
Dominick, Etheredge, Bailes,  
Perry, Collins (Jefferson),  
Locke, Bethea (M), Rast

### HOUSE JOINT RESOLUTION

WHEREAS Mr. Robert Jemison, Jr., industrial giant, civic and cultural leader and president of the realty firm which bears his name, has probably done more to build the city of Birmingham than any other one individual; and

WHEREAS Mr. Jemison, son of Robert Jemison and Eugenia Sorsby Jemison both members of families long prominent in the historic development of this State, was born in Tuscaloosa on February 28th, 1878, was educated at the University of Alabama and the University of the South at Sewanee, Tennessee; and

WHEREAS Mr. Jemison entered the hardware business in 1899 when Birmingham had a population of 4,000, opened his real estate and insurance business in 1903, and has contributed immeasurably to the economic and industrial development of the metropolitan area which now approaches a population of 700,000; and

WHEREAS developments that stand as a monument to the vision, faith, and efforts of Mr. Jemison include Mountain Brook, Mountain Terrace, Fairfield, Bush Hills, Central Park, Ensley Highlands, Forest Park, Glenwood, Redmont, Redmont Gardens Apartments, Altamont Road and Cherokee Road as well as the development of numerous major business buildings, hotels and apartments including his own Jemison Realty Company in downtown Birmingham, and the new parish house of the Episcopal Church of the Advent of which church he is a communicant and senior warden emeritus; and

WHEREAS Mr. Jemison's love and appreciation of beauty have been incorporated in many of his developments with such foresight as to provide Birmingham with some of the most beautiful suburbs in the United States; and

WHEREAS Mr. Jemison's material contributions to the civic, educational, and cultural life of Birmingham are manifold, and his enduring faith and optimism are a challenge and inspiration to the people of this area; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body notes with grateful appreciation the many contributions of Mr. Jemison to Birmingham and to this State, and wishes for him many years of continued health and happiness.

RESOLVED FURTHER that a copy of this resolution be sent to Mr. Jemison.

Approved September 17, 1965.

Time: 9:05 A. M.

Act No. 2

H.J.R. 5—Rast, Sessions, Vacca, Gilmore,  
Bowers, Locke, Brown  
(Jefferson), Meeks, Dominick,  
Bethea (M), Bethea (B),  
Etheredge, Morrow, Perry,  
Bailes, Hawkins, Collins,  
Pierce, Goodwyn, Little,  
Goldthwaite

#### HOUSE JOINT RESOLUTION

WHEREAS Charlie Boswell, Birmingham insurance executive, former University of Alabama football player, World War II hero, and President of the National Blind Golfers' Association won his 14th United States blind golf championship in the tournament held in Montgomery on September 10th, 1965, under the sponsorship of the Montgomery Jaycees; and

WHEREAS Mr. Boswell finished the thirty-six hole tournament with a score of 199, four strokes better than his nearest competitor, after having been victorious in the international blind golfers' tournament held in Toronto, Canada the previous week; and

WHEREAS Mr. Boswell's exceptional abilities and indomitable spirit have served to inspire and challenge many others to emulate his fine example bringing much enjoyment, not only to the participants in these activities, but to thousands who join the galleries throughout the country, now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body commends Mr. Boswell upon his successful golfing season,

and particularly upon his winning the national tournament held in his native state, and wishes for him a long and continued successful career.

RESOLVED FURTHER that copies of this resolution be sent to Mr. Boswell, and to the Montgomery Jaycees who showed such foresight in bringing the tournament to Montgomery.

Approved September 17, 1965.

Time: 9:06 A. M.

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Act No. 3

H.J.R. 6—Nettles, Fite, Camp

### HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we note with deep and profound sorrow the death on August 16, 1965, of Mrs. Mary Lyle Swearingen, wife of the Reverend W. H. Swearingen, Chairman of the Pardon and Parole Board. The presence of this dedicated and beloved Christian lady, whose personal warmth and accomplishments contributed greatly to the lives of all who knew her, will be sorely missed not only by her family, but also by her multitude of friends.

BE IT FURTHER RESOLVED That we extend our heartfelt sympathy to the Reverend Swearingen and to their children, Mr. Felton Swearingen of Haleyville, Mrs. W. A. Sneed of Russellville, Mrs. Clara Davis of Sheffield, and Mr. Winsor Swearingen of Birmingham, to whom copies of this Resolution shall be sent.

Approved September 17, 1965.

Time: 9:07 A. M.

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Act No. 4

H.J.R. 7—Rogers, Brewer, McDermott, Engel, Collins (Mobile), Edington, Downing, Smith, Jones (Monroe), Merrill, Cornett, Jones (Covington), Nettles, Daniel, Sessions, Avery, Bailes, Baker (Madison), Bassett, Bethea (M), Bethea (B), Beville, Boston, Bowers, Brown (Tuscaloosa), Branyon, Burnham, Callahan, Campbell (Tuscaloosa), Cantrell, Casey, Cates, Cook, Dominick, Edwards (Escambia),

Etheredge, Faulk, Glass, Hankins,  
 Hannah, Hawkins, Hogan, Holladay,  
 Locke, McCorquodale, Morrow,  
 Nabors, NeSmith, Owen, Owens,  
 Paulk, Perry, Rast, Scurlock, Slate,  
 Stembridge, Sullivan, Teel, Tuck,  
 Turnham, Vacca

## HOUSE JOINT RESOLUTION

WHEREAS, Gessner T. McCorvey died in Mobile, Alabama, on August 27, 1965; and

WHEREAS, Mr. McCovey had distinguished himself through service to his State and nation in a long lifetime with many outstanding accomplishments; and

WHEREAS, Mr. McCorvey was born in Hale County on August 26, 1882, spending his boyhood years in Tuscaloosa, Alabama, attending Verner Military Institute and later the University of Alabama where he was quarterback of the Alabama Crimson Tide, a member of the tennis team, a member of Phi Beta Kappa and Omicron Delta Kappa. He received his LLB from the University of Alabama in 1903 and was admitted to the bar in that same year, moving to Mobile where he associated himself with the firm of Stevens and Lyons, remaining in the active practice of the law for 62 years and becoming senior partner of the firm which now bears his name. He served as a member of the State Democratic Executive Committee for many years, was chairman of that Committee from 1939 through 1951, gaining the respect of his political friends and foes alike, and leaving an indelible imprint upon the conservative factions of the Democratic Party in the State of Alabama. He became a member of the Board of Trustees of the University of Alabama in 1923 and was serving as President pro tem of the Board at his death; and

WHEREAS, In Mr. McCorvey's death the State of Alabama has lost one of her most distinguished sons, a dedicated states righter, a man of rugged independence and fierce loyalties to his State, his country and his friends;

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF ALABAMA, THE SENATE CONCURRING, That we do mourn the passing of this distinguished gentleman and express our sympathies to his family for their great loss;

BE IT FURTHER RESOLVED, That a page in the Journal of the House be set aside and dedicated to the memory of Gessner T. McCorvey; and

BE IT FURTHER RESOLVED, That the Clerk of the House of Representatives be instructed to send a copy of this Resolution to the surviving members of his family.

Approved September 17, 1965.

Time: 9:08 A. M.

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Act No. 5

H.J.R. 8—Nettles

### HOUSE JOINT RESOLUTION

WHEREAS the well-known and highly esteemed Mr. Hugh Sparrow, dean of newspapermen in Capitol corridors, recently underwent an eye operation; and

WHEREAS Mr. Sparrow's presence has been greatly missed by his many friends and colleagues; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we extend our sincere best wishes to Hugh Sparrow for a speedy recovery, and hope that he will soon be back in his familiar haunts.

BE IT FURTHER RESOLVED That a copy of this Resolution be sent to Mr. Sparrow.

Approved September 17, 1965.

Time: 9:09 A. M.

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Act No. 6

H.J.R. 9—Nabors, Owens

### HOUSE JOINT RESOLUTION

WHEREAS, Henry Walter Burns, father of Representative Gary F. Burns, died on September 3, 1965 at the age of ninety years; and

WHEREAS, Mr. Burns was a pioneer and distinguished son of Etowah County, with a lifetime of many accomplishments:

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF ALABAMA, THE SENATE CONCURRING, That we do mourn the passing of this distinguished gentleman and express our sympathies to his family for their great loss;

BE IT FURTHER RESOLVED That the clerk of the House of Representatives be instructed to send a copy of this Resolution to the surviving members of his family.

Approved September 17, 1965.

Time: 9:09 A. M.

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Act No. 7                      H.J.R. 11—Collins (Mobile), Engel, McDermott,  
Hogan, Rogers, Downing, Edington,  
Smith

### HOUSE JOINT RESOLUTION

WHEREAS, Leslie J. Richard of Mobile passed away on September 14, 1965; and

WHEREAS, Leslie J. Richard was a valued citizen of Mobile over a long period of years and served as a director of many worthwhile civic projects including the Mobile General Hospital, United Fund and Government Street Presbyterian Church. He was also State Director of the American Camellia Society and a former member of the Alabama State Board of Public Accountancy. He was a Director of the American National Bank of Mobile; and

WHEREAS, Mr. Richard was always to be counted among Mobile citizens who worked for the good of their community in all respects;

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF ALABAMA, THE SENATE CONCURRING, That we note with keen regret the passing of Leslie J. Richard of Mobile; and

BE IT FURTHER RESOLVED, That a copy of this resolution be spread upon the Journal of the House of Representatives and a copy sent to his wife, Janie Dukes Richard.

Approved September 17, 1965.

Time: 9:10 A. M.

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Act No. 8                      H. J. R. 12—Baker (DeKalb), Bowers

### HOUSE JOINT RESOLUTION

WHEREAS, Mr. Cecil E. Brown, of Fort Payne, Alabama, the immediate past commander, Department of Alabama, Veterans of Foreign Wars of the United States, was selected for national honors as Department Commander of the year, for his outstanding leadership of that patriotic organization; and

WHEREAS, special national recognition was bestowed on Mr. Brown at the National Convention of the Veterans of Foreign

Wars of the United States in Chicago, Illinois, on August 16, 1965 —

NOW, THEREFORE BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That we extend our heartiest congratulations and best wishes to our distinguished citizen and warmly commend him for his achievements and receipt of this great honor.

Approved September 17, 1965.

Time: 9:11 A. M.

Act No. 9

S. 4—Gilchrist

### AN ACT

Relating to all cities in the State of Alabama having populations of not less than 50,000 nor more than 60,000 according to the most recent federal decennial census; to amend Sections 3 and 9 of Act No. 785, H. 76, approved September 2nd, 1965, an Act entitled "Relating to all cities in the State of Alabama having populations of not less than 50,000 nor more than 60,000 according to the most recent federal decennial census; to provide for the operation of all such cities under the commission form of government; to regulate the powers, duties, qualifications, manner of nomination and election, terms of office, and compensation of the commissioners thereof, and to repeal the conflicting provisions of Act No. 112, Acts of Alabama 1951, page 337."

*Be It Enacted by the Legislature of Alabama:*

Section 1. This Act shall apply in all cities in the State of Alabama having populations of not less than 50,000 nor more than 60,000 according to the most recent federal decennial census.

Section 2. Section 3 and 9 of Act No. 785, H. 76, approved September 2nd, 1965, an Act entitled "Relating to all cities in the State of Alabama having populations of not less than 50,000 nor more than 60,000 according to the most recent federal decennial census; to provide for the operation of all such cities under the commission form of government; to regulate the powers, duties, qualifications, manner of nomination and election, terms of office, and compensation of the commissioners thereof, and to repeal the conflicting provisions of Act No. 112, Acts of Alabama 1951, page 337." are amended to read as follows:

"Section 3. Each member of any such board of commissioners shall be a qualified elector residing within the corporate limits of such city and shall be elected at large within the city. The general election laws of Alabama shall govern the conduct of such elections except as otherwise provided herein.



Any city coming within the purview of this Act which at present has a board of commissioners shall continue with the same board of commissioners until their successors in office are elected and qualified as hereinafter provided. On the first Tuesday in September in 1966 and every four years thereafter a chairman and two associate commissioners shall be elected as herein provided. In all primary and general elections held for the purpose of nominating or electing members of the board of commissioners of any such city, each of such positions to be filled shall be designated, the associate commissioners being designated as associate commissioner numbers one and two respectively, and the designation shall appear on the ballots of such elections. Each candidate for nomination or election as a member of the board of commissioners of any such city shall designate in the declaration or announcement of his candidacy the position for which he seeks nomination or election and his name shall appear on the ballots of such election accordingly. Any petition to nominate a candidate shall designate the position for which such candidate seeks nomination and election, and shall be signed by the number of qualified electors of the city necessary to equal fifteen percent of the total number of qualified electors of the city voting in the next preceding election for members of such board of commissioners. Any primary election held by any political party for the purpose of nominating a candidate shall be held on the same day as any county or state primary election held in that election year, and the position for which such candidate seeks nomination and election shall be designated as herein provided. At every election each voter shall vote for only one candidate for each designated office and the candidate receiving the highest number of votes for such office shall be elected, provided he receives a majority of all votes cast for such office. In case no one of such candidate shall receive a majority of all such votes cast for the office for which he is a candidate another election shall be held on the same day of the following week for said officer at which the two candidates receiving the highest number of votes at the initial election for said office shall be voted for. The candidate receiving the highest number of votes at such final election shall be declared elected. Candidates declared elected shall qualify and take oath of office on the first Monday in October next following said election, and each shall hold such office for a term of four years and until his successor shall have been elected and qualified as provided herein. A vacancy in any office of any such board shall be filled by the remaining members thereof for the unexpired term."

"Section 9. Each commissioner shall before entering upon the duties of his office, give a good and sufficient bond, which

shall be executed by a bonding company authorized to do business in Alabama, payable to and for the use and benefit of any such city in the sum of ten thousand dollars (\$10,000), conditioned upon the faithful discharge of his duties, and that he will save such city harmless from all loss caused by his neglect of duty, misfeasance in office or for the willful expenditure of any moneys of such city, in violation of law, and said bond before being accepted shall be approved by the judge of probate in and for the county wherein such city is situated. The premiums on such bond shall be paid out of the city treasury. No member of the commission nor any person holding an office of profit under them, shall hold any office of profit or trust under the law of any state of the United States, or hold any county office; nor shall any commissioner ever be elected or appointed to any office created by the commission, while he was a member thereof within two years therefrom."

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 21, 1965.

Time: 3:01 P. M.

Act No. 10

S. 17—Roberts

### AN ACT

Relating to city recorders; providing for appointment of recorders in cities having populations of not less than 70,000 nor more than 100,000.

*Be It Enacted by the Legislature of Alabama:*

Section 1. In cities having populations of not less than 70,000 nor more than 100,000 according to the most recent federal decennial census, the city council may divide the police jurisdiction of such city into districts, and may elect a sufficient number of recorders to hold court in such districts, who shall have, each and all, within such districts, the power and authority granted to recorders. Such recorder shall try all cases within such districts except violations of the revenue laws, which cases shall only be tried by the recorder of the district in which the office of the mayor and council are situated. In the absence of any of such recorders, any councilman may preside over such court and have the power and authority herein granted to recorders. Provided, the city council may, in

its discretion, by a majority vote of its members, appoint any qualified attorney who is a resident of the county to preside over such court in the absence of the recorder, and who shall have the power and authority granted to recorders. Such recorder shall be paid an amount for each days service to be fixed by the council and to be paid out of the same fund as other municipal officers are paid.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 21, 1965.

Time: 3:02 P. M.

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Act No. 11

S. 49—Cooper

### AN ACT

To amend Section 6 of Act No. 216, H. 560, Regular Session 1951, an act creating the office of County Solicitor of Wilcox County.

*Be It Enacted by the Legislature of Alabama:*

Section 1. Section 6 of Act No. 216, H. 560, Regular Session 1951, an act creating the office of County Solicitor of Wilcox County (Acts 1950-51, v. 1, p. 487) is hereby amended to read as follows:

“Section 6. That the County Solicitor of Wilcox County shall receive a salary of \$2,400.00 per annum to be paid out of the general fund of the county in twelve equal installments, in the same manner as the salary of the deputy solicitor of the county was paid prior to the abolishment of the office of deputy solicitor in said county. The salary provided for the County Solicitor by this Act shall be his total compensation, any act general, local, or special, to the contrary notwithstanding. However, in addition to his salary, the County Solicitor shall be entitled to an allowance for clerk hire or other expenses in the amount of \$1,200.00 per annum, which shall be payable from the general fund of the county in equal monthly installments at the end of each month.”

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 21, 1965.

Time: 3:03 P. M.

Act No. 12

S. 65—Clark

## AN ACT

Relating to counties having a population of not less than 24,600 nor more than 25,300; providing for the payment of an expense allowance to the judge of the court of common pleas in any such county.

*Be It Enacted by the Legislature of Alabama:*

Section 1. In addition to all other compensation and allowances provided by law, the judge of the court of common pleas of any county having a population of not less than 24,600 nor more than 25,300, according to the last or any subsequent federal decennial census, shall receive an expense allowance of two hundred dollars (\$200) per month, payable out of the county treasury at the end of each month.

Section 2. This Act shall become effective on the first day of the first month beginning after this Act becomes law.

Approved September 21, 1965.

Time: 3:05 P. M.

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Act No. 13

S. 66—Clark

## AN ACT

To amend Act No. 525, S. 356 of the Regular Session of 1961, so as to increase the additional compensation provided for members of the county governing body in all counties having populations of not less than 24,600 nor more than 25,300 according to the most recent federal decennial census.

*Be It Enacted by the Legislature of Alabama:*

Section 1. Section 1 of Act No. 525, S. 356 of the Regular Session of 1961 (Acts of 1961, p. 624) is hereby amended to read as follows:

"Section 1. In all counties having populations of not less than 24,600 nor more than 25,300 according to the last or any subsequent federal decennial census, the members of the county governing body shall be entitled, at their option, to a salary of two hundred dollars (\$200) per month in addition to that already provided by law. Such salary shall be paid as other salaries of the county are paid."

Section 2. This Act shall become effective mmediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 21, 1965.

Time: 3:06 P. M.

## AN ACT

To amend Code of Alabama 1940, Title 32, Section 24, in relation to the time allowed the clerk of the house and the secretary of the senate for compiling and filing the journals of the two houses after each session.

*Be It Enacted by the Legislature of Alabama:*

Section 1. Code of Alabama 1940, Title 32, Section 24, is hereby amended to read as follows:

“Section 24. For the purpose of checking, comparing, completing and filing the journals of their respective houses in the office of the secretary of state, and copying and delivering the journals to the state printer, the secretary of the senate and the clerk of the house shall be allowed the following clerical assistants. The secretary of the senate is hereby allowed the assistant secretary, second assistant secretary, the chief clerk and the reading clerk of the senate, enrolling and engrossing clerk, together with twelve assistants to be named by the secretary of the senate; and the clerk of the house shall be allowed the assistant clerk, second assistant clerk, the reading clerk, the chief clerk to the clerk of the house, enrolling and engrossing clerk, together with twelve assistants to be named by the clerk of the house; and the secretary of the senate and the clerk of the house shall be allowed six weeks with said clerical assistants within which to check, compare and deliver the journals of the senate and the house of representatives of each session of the legislature to the secretary of state and the state printer, provided, however, the journals of the ten day or organization session of the legislature shall be compiled, combined and filed with the journals of the next ensuing regular session. The time allowed after final adjournment of any session, but not the ten day or organization sessions, of the legislature for the filing of the journals in the office of the secretary of state and completing the work above mentioned is hereby fixed at six weeks. When there is a special session during, or within six weeks after the final adjournment of a regular session, or where there is a regular session within six weeks after the final adjournment of a special session, the time for comparing and filing the journals of such sessions, including the indices, shall be extended for each such session for such period of time as the speaker of the house and the president of the senate may determine to be necessary for the clerk and secretary to have sufficient time within which to transcribe and file the journals of each house, provided, however, the extended time shall not exceed a total of six weeks for each

such session. If the time be extended as herein provided, the speaker of the house and the president of the senate shall give written notice to the secretary of the state and to the state printer of such extension."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 21, 1965.

Time: 3:07 P. M.

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Act No. 15

H. 5—Owen (Baldwin)

AN ACT

Relating to counties having populations of not less than 48,500 nor more than 49,750; to abolish in all such counties the office of county revenue commissioner serving in lieu of a county tax assessor and a county tax collector; to prohibit the election in any such county of a county official designated as county revenue commissioner to serve in lieu of a county tax assessor and a county tax collector; to repeal all conflicting laws.

*Be It Enacted by the Legislature of Alabama:*

Section 1. In all counties having populations of not less than 48,500 nor more than 49,750 according to the most recent federal decennial census, the office of county revenue commissioner created and established in lieu of a county tax assessor and a county tax collector is hereby abolished. Any general, special, or local law to the contrary notwithstanding, no such county shall elect a county official to be designated as county revenue commissioner to serve in lieu of the county tax assessor and the county tax collector. A tax assessor and a tax collector shall be elected for each such county, and shall serve in office and perform such acts, duties, and functions as heretofore or hereafter provided by law.

Section 2. All laws or parts of laws which conflict with this Act are repealed. Act No. 358, H. 708, Regular Session 1963 (Acts 1963, p. 858) is hereby expressly repealed.

Approved September 21, 1965.

Time: 3:08 P. M.

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Act No. 16

H. 29—Jones (Covington)

AN ACT

Regulating the compensation of election officers in Covington County.

*Be It Enacted by the Legislature of Alabama:*

Section 1. At all elections hereafter held in Covington County the officers appointed to hold the election shall each be entitled to ten dollars. The returning officers shall also be entitled to mileage as prescribed in Code of Alabama 1940, Title 17, Section 198, as amended. The several claims shall be paid as preferred claims, out of monies in the county treasury not otherwise appropriated, on proper proof of service rendered. However, amounts paid to election officers under this Act for per diem or mileage in excess of the amounts prescribed by general laws shall not in any case be reimbursable by the State.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 21, 1965.

Time: 3:10 P. M.

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Act No. 17

H. 31—Jones (Covington)

AN ACT

To amend Section 12 of Act No. 22, H. 160, Regular Session 1945 (Local Acts 1945, p. 23), an act creating the Covington County Board of Revenue, so as to provide further for mileage allowance payable to the President and associate members of said Board.

*Be It Enacted by the Legislature of Alabama:*

Section 1. Section 12 of Act No. 22, H. 160, Regular Session 1945 (Local Acts 1945, p. 23), an act creating the Covington County Board of Revenue, is amended to read as follows:

“Section 12. In addition to the compensation provided in Section 11 hereof the President and associate members of said Board shall each be paid a mileage allowance of 10c per mile for each mile necessarily traveled by him within the county in the discharge of his official duties as a member of the Board, provided that said President or associate member shall use his personally owned motor vehicle for such travel. The President and associate members, the Clerk, County Road Supervisor, and other employees shall each be reimbursed for lodging, meals, and transportation, not to exceed 5c per mile, while out of the county on official business at the direction of the Board and attending meetings or conventions pertinent

to county affairs or programs. Such allowances shall be paid out of any funds in the county treasury available for such purpose; provided, that in the discretion of the Board the mileage allowance payable to the President and associate members for travel within the county may be paid out of the county gasoline tax revenues when such mileage is incurred by a member while occupied in the discharge of his duties in inspecting, accepting, building, repairing or supervising any of the county roads or bridges; and provided, further, that such use of gasoline tax revenues shall be in accordance with and subject to all provisions of Code of Alabama 1940, Title 51, Section 655, as amended."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 21, 1965.

Time: 3:11 P. M.

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Act No. 18

H. 33—Jones (Covington)

### AN ACT

Relating to the Twenty-second Judicial Circuit of Alabama; providing for separation of the jury by consent in the circuit courts of the counties composing such circuit.

*Be It Enacted by the Legislature of Alabama:*

Section 1. The provisions of this Act shall apply only in the circuit courts of the counties composing the Twenty-second Judicial Circuit.

Section 2. If the accused and his counsel and also the prosecuting attorney, in any prosecution for felony, whether capital or non-capital, consent thereto in open court, the trial court in its discretion may permit the jury trying the case to separate during the pendency of the trial, whether the jury has retired or not. A separation so permitted shall not create a presumption of prejudice to the accused, but on the contrary it shall be prima facie presumed that the accused was not prejudiced by reason of the separation of the jury.

It shall be improper for the trial court to ask the accused counsel for the accused, or the prosecuting attorney in the hearing of the jury whether or not he or they will consent to a separation of the jury pending the trial. It shall be improper for the accused or counsel for the accused, or the prosecuting attorney to state to the trial court in the hearing of the



jury that he or they consent to a separation of the jury pending the trial.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 21, 1965.

Time: 3:12 P. M.

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Act No. 19

H. 59—Branyon

### AN ACT

To authorize and provide for branch banks in Fayette County and repealing conflicting laws.

*Be It Enacted by the Legislature of Alabama:*

Section 1. Any person, firm, association or corporation doing a banking or trust company business in Fayette County may establish a branch bank or branch office for the transaction of the banking business anywhere within the city or town where its principal place of business is located, provided written consent of the state superintendent of banks be first had and obtained.

Section 2. The provisions of Code 1940, Title 5, Section 125 which conflict with this Act are repealed as to Fayette County.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 21, 1965.

Time: 3:15 P. M.

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Act No. 20

H. 67—Stembridge

### AN ACT

To amend further Act No. 273, S. 292, approved August 7, 1947, (1947 Local Acts, p. 196), as amended and as last amended, which is designated "The Civil Service Act of Dothan".

*Be It Enacted by the Legislature of Alabama:*

Section (1): Section 2 of Act No. 273, S. 292, approved August 7, 1947, (1947 Local Acts, p. 196), as amended and as last amended, which is designated "The Civil Service Act of Dothan", is hereby further amended to read as follows:

"Section 2. DEFINITIONS. The following words, terms and phrases, wherever used in this Act, shall have the meaning respectively ascribed to them in this Section, unless the context plainly indicates a different meaning: 'Masculine Gender' shall comprehend all other genders; 'Committee' means the Citizens Supervisory Committee herein created; 'Board' means the Personnel Board herein authorized; 'Director' means the Personnel Director herein created; 'Appointing Authority' means a Department Head; 'Employee' means a person in the Classified Service herein set up and appointed by the Appointing Authority, unless herein expressly excepted; 'Classified Service' includes all offices, positions and employment in the City of Dothan as these offices, positions and employment now or may hereafter exist, the holders of which are paid whether by salary, wages or fees, in whole or in part from funds of the city, except those expressly placed in the 'Unclassified Service'; 'Employment Register' means typewritten lists containing the names of those applicants who have successfully passed mental tests for initial employment within the Classified Service for any specific position and which names are listed in the order of final grades attained on such tests from the highest grade attained to the lowest grade attained; 'Roster' means a typewritten list showing the names of persons employed in the Classified Service by Departments and the position occupied by each employee concerned; 'Tests' mean written, oral or other methods of evaluation established by the Board or Director, to determine the merit, aptitude, knowledge of the job and general qualifications, other than physical, of applicants to fill initial positions within the Classified Service, or for the promotion of those Classified Employees presently assigned, to higher positions within the Classified Service, or for the purpose of reclassification or transfer of such employees into new or existing positions within the Classified Service; 'Public Hearing' means a meeting of the Board open to the public, where any citizen, taxpayer or other interested party may appear and be heard, subject to the duly adopted Rules and Regulations; 'Public Record' means a record which the members of the Public shall have the right to inspect, within reason and during ordinary business hours; 'Department Head' means (1) City Clerk-Treasurer in charge of the Administrative Department, (2) City Engineer in charge of the Engineering Department,

(3) Electrical Superintendent in charge of the Electrical Department, (4) Fire Chief, (5) Chief of Police, (6) Superintendent of Recreation, (7) Superintendent of Sanitation, (8) Superintendent of Streets and (9) Superintendent of Water; 'Rules and Regulations' mean a prescribed course of procedure adopted by the Board to promote the administration of the Provisions of this Act and the System hereby created; 'Promotional Register' means typewritten lists containing the names of those Classified Employees, presently assigned, who have successfully passed mental tests for promotion to higher positions within the Classified Service and which names are listed in the order of final grades attained on such tests from the highest grade attained to the lowest grade attained; and 'Examinations' mean physical fitness evaluation to include Annual or other Physical Examinations, Physical Fitness Examinations, Final Physical Examinations or any other type of Physical Examinations as prescribed by the Personnel Board or the Director to determine the physical fitness of initial applicants for employment within the Classified Service and the physical fitness of Classified Employees now assigned, to qualify physically for the positions they now occupy or expect to occupy within the Classified Service."

Section (2): Section 3 of said Act No. 273, S. 292, approved August 7, 1947, as amended and as last amended is hereby further amended to read as follows:

"Section 3. UNCLASSIFIED SERVICE. The following named officials, persons and agencies of the City shall constitute the 'Unclassified Service'; (a) Officers elected by popular vote and their successors in office; (b) Principals, supervisors, teachers and instructors, engaged in supervising or teaching in the public schools, and all employees of the City Board of Education; (c) The Personnel Director provided for by this Act; (d) Independent contractors receiving their remuneration from public funds under contract awarded by competitive bidding; (e) Common or temporary laborers; (f) Attorneys, physicians, surgeons, and dentists employed in their professional capacities; (g) The Judge of any municipal court; (h) Members of Boards who are not employed on a full-time basis and not required to devote their entire service to the City; and (i) Department Heads consisting of: (1) City Clerk-Treasurer in charge of the Administrative Department, (2) City Engineer in charge of the Engineering Department, (3) Electrical Superintendent in charge of the Electrical Department, (4) Fire Chief, (5) Chief of Police, (6) Superintendent of Recreation, (7) Superintendent of Sanitation, (8) Superintendent of Streets, and (9) Superintendent of Water."

Section (3): Section 6 of said Act No. 273, S. 292,

approved August 7, 1947, as amended and as last amended is hereby further amended to read as follows:

**"Section 6. CITIZENS SUPERVISORY COMMITTEE.** The membership of the Citizens Supervisory Committee shall consist of qualified electors of the City of Dothan, who, upon the passage of this Act, are respectively the current president and the immediate past president or other chief executive officers by whatever name called of the following respective federated, national or international organizations, associations or groups whose **primary function is civic or service, as distinguished from social or fraternal organizations, associations or groups**, now existing in the City, and generally known as: (a) Chamber of Commerce, (b) Junior Chamber of Commerce, (c) Kiwanis Club, (d) Rotary Club, (e) Dothan Business and Professional Women's Club, (f) Dothan Council of Parent-Teacher Associations, (g) Pilot Club, (h) Lions Club, (i) Civitan Club, (j) League of Business and Professional Women, (k) Mid-Century Study Club, (l) Sesame Study Club, (m) New Century Study Club, (n) Altrusa Club, or any other like organization, association or group, after such organization, association or group shall have been approved for membership at a regular meeting of the then existing membership by three-fourths of such membership present and voting. Provided that if two or more separately chartered clubs, organizations or groups are active under either of the respective federated, national or international organizations, associations or groups herein designated, these such separately chartered clubs, organizations or groups shall be collectively represented on the Citizens Supervisory Committee as follows: the president or other chief executive officer by whatever name called of one such separately chartered club, organization, association or group shall serve one term as president and a second term as immediate past president. Representation on the Committee by these separately chartered clubs, organizations, associations or groups shall be rotated as determined by such separately chartered clubs, organizations, associations or groups, such determination to be certified to the Personnel Director. The organizational or first meeting of the Committee shall be held one week from the day this Act became effective, at the City Hall, at ten o'clock a.m. The failure of any one or more of those hereinabove designated to present themselves for membership on said Committee shall not affect the right of the remainder to constitute the membership unless there be less than a majority of members present. The Committee shall designate one of its own members as chairman, and he shall be permitted to vote only in the case of a tie. The proposed members of the Committee present, in the event less

than a majority of the members attend any meeting, shall adjourn the meeting and call another meeting at a time and place to be then determined, in no event beyond five days. The designated Members of the Committee shall have the right, respectively, to serve as Members of the Committee during the period in which such members hold the position or office in the respective organization, association or group above identified. Any qualified elector of the City of Dothan, during or subsequent to the adjournment of the organizational meeting, may file with the Chairman of the Committee written objections to the right of any person to sit on the Committee, however, no grounds of objections shall be considered except those based on the ground that the person objected to is not the designated officer of one of the identified organizations, associations or groups, or is not a qualified elector of the City of Dothan, and therefore not lawfully authorized to serve on the Committee. The chairman shall rule upon the objections in writing and the first order of business at the next meeting of the Committee shall be a report by the chairman of the objections and his ruling thereon. His rulings shall be final unless the objecting party within five days duly appeals to the Committee, in which event the seated members shall upon a hearing of the objection, after notice is duly given to the objecting party and the party objected to, determine the qualifications of the party objected to. The vote of a majority of the members of the Committee present shall govern in all matters if a quorum be present. The Committee may adopt, from time to time, such Rules and Regulations and modes of procedure as it deems expedient to enable it to dispatch its business in an orderly manner. The chairman may call upon the Chief of Police of the City to attend the meetings of the Committee and preserve order and execute the decisions, rules and orders of the Committee and of the chairman thereof. The chairman may punish for contempt of the Committee in like manner and extent as may be done by the Judges of the Circuit Courts of this State. The Personnel Director, when selected, shall act as secretary and such secretary shall be the keeper and custodian of the minutes, records, property and paraphernalia of the Committee, and he may call upon the Personnel Board to furnish such supplies and a safe place for keeping the records and property. The expense and costs of giving notice of meetings shall be paid in the manner provided in this Act. The Committee shall meet in regular session on the second Wednesday in each of the months of January, April, July and October, **at such hour as the Committee shall determine**, to receive quarterly reports of the Personnel Board and to make such recommendations to the Board as it shall deem in the interest of the sound administration of this Act,

to elect a successor of any member of the Personnel Board whose term of office expires before the next regular meeting of the Committee, and to transact such other business as may properly come before the Committee. The Chairman of the Committee or a majority of the members thereof may call special meetings of the Committee to transact any business which may have arisen. All meetings shall be held at the City Hall, or some other public meeting place designated by the chairman. Notice of all call-meetings of the Committee shall be given to members of the Committee by certified mail and also by publication, once each day for three consecutive days in some daily newspaper published within the City, giving at least five days notice of such meeting from the date of last publication; such notice must be signed by the persons calling the meeting and the purposes thereof shall be briefly outlined. Notice of regular meetings shall be given to members of the Committee by regular mail and also by publication by one insertion in some daily newspaper published within the City giving at least five days notice of such meeting, but failure of any member to receive notice of any meeting either regular or special shall not invalidate any act of the Committee transacted at such meeting. A majority of the persons serving as members of the Committee shall constitute a quorum to do business, but less than that number may adjourn, and may compel the attendance of the absent members, in such manner and under such penalties as may be prescribed by the Rules and Regulations promulgated by the Committee. The Committee shall serve without compensation and shall have general supervisory control of the Personnel Department."

Section (4): Section 30 of said Act No. 273, S. 292, approved August 7, 1947, is hereby amended to read as follows:

"Section 30. USE OF BUILDING. The officials of the City are hereby required to furnish the Personnel Department necessary facilities in City Hall for the conduct of its business, provided for under the Provisions of this Act, to include office space, office equipment and supplies."

Section (5): This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 21, 1965.

Time: 3:16 P. M.

To regulate expense allowances for the superintendent of education in counties having a population of not less than 13,700 nor more than 14,300, according to the most recent federal decennial census.

*Be It Enacted by the Legislature of Alabama:*

Section 1. In all counties having a population of not less than 13,700 nor more than 14,300, according to the most recent federal decennial census, the superintendent of education shall be allowed an expense allowance of \$50.00 per month for travel incurred by the superintendent in the performance of his official duties within and without the county. The allowance herein provided shall be in addition to any other salary, allowance, or other compensation now provided by law.

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part that remains.

Section 3. All laws or parts of laws in conflict herewith are repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming law.

Approved September 21, 1965.

Time: 3:18 P. M.

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Act No. 22

H. 126—Engel, McDermott, Hogan

### AN ACT

Relating to judicial circuits now or hereafter composed of one county having not less than four nor more than nine circuit judges; providing for payments out of the county treasury to supplement the salaries of supernumerary circuit solicitors in such circuits.

*Be It Enacted by the Legislature of Alabama:*

Section 1. Any supernumerary circuit solicitor in any judicial circuit now or hereafter composed of any one county and having not less than four nor more than nine circuit judges shall be entitled to receive the sum of \$1,000 per annum, payable in equal monthly installments from the general fund of the county, which shall be supplementary to the salary paid such solicitor by the State of Alabama, and shall be in addition to all other compensation and allowances provided for by law.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 21, 1965.

Time: 3:18 P. M.

Act No. 23

H. 133—McDermott, Engel, Smith

### AN ACT

To amend Act No. 263, S. 222 of the Special Session 1961 (Acts 1961, p. 2280), which fixes the compensation of election officers in elections held within counties having populations of not less than 300,000 nor more than 500,000 according to the last or any subsequent federal decennial census, so as to clarify the act by specifying the elections for holding of which such compensation is prescribed.

*Be It Enacted by the Legislature of Alabama:*

Section 1. Section 1 of Act No. 263, S. 222 of the Special Session of 1961 (Acts of 1961, p. 2280) is amended to read as follows:

“Section 1. In all counties having populations of not less than 300,000 nor more than 500,000, according to the last or any subsequent federal decennial census, the compensation of the election officers holding general, special, primary and municipal elections shall be \$12.00 per day, which shall be the total compensation for said election officers. The returning officer shall be entitled to mileage according to law in addition to his per diem as herein provided. The county treasury of the counties to which this Act applies shall not be reimbursed for the amount by which the above described compensation exceeds the compensation prescribed by the general law for election officers.”

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 21, 1965.

Time: 3:21 P. M.

Act No. 24

H. 152—Pierce, Goodwyn, Little, Goldthwaite

### AN ACT

To amend the title and Section 1 of Act No. 159, S.B. 336, Regular Session 1965, which regulates the compensation of commissioners of certain cities classified according to population.

*Be It Enacted by the Legislature of Alabama:*

Section 1. The title of Act No. 159, S.B. 336, Regular Session 1965, an Act regulating the compensation of the com-



missioners of certain cities classified on a population basis, is amended to read as follows: "An Act, Relating to cities having populations of not less than 125,000 nor more than 200,000, according to the most recent federal decennial census; regulating the compensation of members of the governing bodies of such cities."

Section 2. Section 1 of said Act No. 159 of 1965 is amended to read as follows:

"Section 1. In all cities in Alabama having populations of not less than 125,000 nor more than 200,000, according to the most recent federal decennial census, which operate under the commission form of government consisting of three members, the salaries to be paid said members of the board of commissioners shall be as follows: The salary of the president of the board of commissioners shall be \$18,000 per annum and the salary of each of the other commissioners shall be \$15,000 per annum. The salary of the president of the board of commissioners and the salaries of the other commissioners shall be payable in equal monthly installments at the end of each calendar month out of the city treasury."

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 21, 1965.

Time: 3:22 P. M.

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Act No. 25

S. 24—Roberts

### AN ACT

To amend Section 4 of Act No. 553, H. 145, Regular Session 1955, an act providing for urban renewal projects (Acts 1955, v. 2, p. 1210), in relation to the powers of housing authorities and municipalities in counties having populations of not less than 50,000 nor more than 54,000.

*Be It Enacted by the Legislature of Alabama:*

Section 1. Section 4 of Act No. 553, H. 145, Regular Session 1955, an act granting to housing authorities and to municipalities certain powers relative to urban renewal (Acts 1955, v. 2, p. 1210), is hereby amended to read as follows:

"Section 4. Powers with Respect to Urban Renewal. An authority shall have all the powers necessary or convenient to undertake and carry out urban renewal plans and urban renewal projects, including the authority to acquire and dispose of property, to issue bonds and other obligations, to borrow and accept grants from the Federal Government or

other source and to exercise the other powers which Sec. 96-104 Inc. of Title 25, Code of Alabama, 1940, confers on an authority with respect to redevelopment projects. In connection with the planning and undertaking of any urban renewal plan or urban renewal project, the authority, the municipality, and all public and private officers, agencies, and bodies shall have all the rights, powers, privileges, and immunities which they have with respect to a redevelopment plan or redevelopment project, in the same manner as though all of the provisions of Sec. 96-104 Inc. of Title 25, Code of Alabama, 1940, applicable to a redevelopment plan or redevelopment project were applicable to an urban renewal plan or urban renewal project provided that for such purpose the word 'redevelopment' as used in Sec. 96-104 Inc. of Title 25, Code of Alabama, 1940 shall mean 'urban renewal', and the word 'slum' and the word 'blighted' as used in said Sec. 96-104 Inc. of Title 25, Code of Alabama, 1940 shall mean 'blighted, deteriorated, or deteriorating'; and provided further that this section shall not change the corporate name of the authority or amend any section of Sec. 96-104 Inc. of Title 25, Code of Alabama, 1940. In addition to the surveys and plans which an authority is otherwise authorized to make, an authority is hereby specifically authorized to make (i) plans for carrying out a program of voluntary repair and rehabilitation of buildings and improvements, and (ii) plans for the enforcement of laws, codes, and regulations relating to the use of land and the use and occupancy of buildings and improvements, and to the compulsory repair, rehabilitation, demolition, or removal of buildings and improvements. The authority is authorized to develop, test, and report methods and techniques, and carry out demonstrations and other activities, for the prevention and the elimination of slums and urban blight. However, in counties having populations of not less than 50,000 nor more than 54,000, according to the most recent federal decennial census, no municipality or housing authority situated in any such county shall have power to undertake any urban renewal or redevelopment project unless the undertaking shall have been first authorized by a vote of the duly qualified electors of the city or town thereby affected, at an election held for such purpose, in the manner prescribed by the governing body of the city or town."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 22, 1965.

Time: 3:20 P. M.

Act No. 26

H. 55—Nabors, Owens, Burns

## AN ACT

Relating to all cities in the State of Alabama having populations of not less than 50,000 nor more than 60,000 according to the most recent federal decennial census; to amend Sections 3 and 9 of Act No. 785, H. 76, approved September 2nd, 1965, an Act entitled "Relating to all cities in the State of Alabama having populations of not less than 50,000 nor more than 60,000 according to the most recent federal decennial census; to provide for the operation of all such cities under the commission form of government; to regulate the powers, duties, qualifications, manner of nomination and election, terms of office, and compensation of the commissioners thereof, and to repeal the conflicting provisions of Act No. 112, Acts of Alabama 1951, page 337."

*Be It Enacted by the Legislature of Alabama:*

Section 1. This Act shall apply in all cities in the State of Alabama having populations of not less than 50,000 nor more than 60,000 according to the most recent federal decennial census.

Section 2. Sections 3 and 9 of Act No. 785, H. 76, approved September 2nd, 1965, an Act entitled "Relating to all cities in the State of Alabama having populations of not less than 50,000 nor more than 60,000 according to the most recent federal decennial census; to provide for the operation of all such cities under the commission form of government; to regulate the powers, duties, qualifications, manner of nomination and election, terms of office, and compensation of the commissioners thereof, and to repeal the conflicting provisions of Act No. 112, Acts of Alabama 1951, page 337." are amended to read as follows: "Section 3. Each member of any such board of commissioners shall be a qualified elector residing within the corporate limits of such city and shall be elected at large within the city. The general election laws of Alabama shall govern the conduct of such elections except as otherwise provided herein. Any city coming within the purview of this Act which at present has a board of commissioners shall continue with the same board of commissioners until their successors in office are elected and qualified as hereinafter provided. On the first Tuesday in September in 1966 and every four years thereafter a chairman and two associate commissioners shall be elected as herein provided. In all primary and general elections held for the purpose of nominating or electing members of the board of commissioners of any such city, each of such positions to be filled shall be designated, the associate commissioners being designated as associate commissioner numbers one and two respectively, and the designation shall appear on the ballots of such elections. Each candidate for nomination or election as a member of the board of commissioners of any such city shall designate in the

declaration or announcement of his candidacy the position for which he seeks nomination or election and his name shall appear on the ballots of such election accordingly. Any petition to nominate a candidate shall designate the position for which such candidate seeks nomination and election, and shall be signed by the number of qualified electors of the city necessary to equal fifteen percent of the total number of qualified electors of the city voting in the next preceding election for members of such board of commissioners. Any primary election held by any political party for the purpose of nominating a candidate shall be held on the same day as any county or state primary election held in that election year, and the position for which such candidate seeks nomination and election shall be designated as herein provided. At every election each voter shall vote for only one candidate for each designated office and the candidate receiving the highest number of votes for such office shall be elected, provided he receives a majority of all votes cast for such office. In case no one of such candidate shall receive a majority of all such votes cast for the office for which he is a candidate another election shall be held on the same day of the following week for said officer at which the two candidates receiving the highest number of votes at the initial election for said office shall be voted for. The candidate receiving the highest number of votes at such final election shall be declared elected. Candidates declared elected shall qualify and take oath of office on the first Monday in October next following said election, and each shall hold such office for a term of four years and until his successor shall have been elected and qualified as provided herein. A vacancy in any office of any such board shall be filled by the remaining members thereof for the unexpired term."

"Section 9. Each commissioner shall before entering upon the duties of his office, give a good and sufficient bond, which shall be executed by a bonding company authorized to do business in Alabama, payable to and for the use and benefit of any such city in the sum of ten thousand dollars (\$10,000), conditioned upon the faithful discharge of his duties, and that he will save such city harmless from all loss caused by his neglect of duty, misfeasance in office or for the willful expenditure of any moneys of such city, in violation of law, and said bond before being accepted shall be approved by the judge of probate in and for the county wherein such city is situated. The premiums on such bond shall be paid out of the city treasury. No member of the commission nor any person holding an office of profit under them, shall hold any office of profit or trust under the law of any state of the United States, or hold any county office; nor shall any commissioner ever be elected or appointed to any office created by the commission, while he was a member thereof within two years therefrom."

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 22, 1965.

Time: 3:21 P. M.

Act No. 27

H. 82—Etheredge, Fite, Turner (Crenshaw)

### AN ACT

To amend Section 25 of Title 51, Code of Alabama, 1940, to exempt insurance companies upon which a premiums tax is imposed and their shareholders from the taxation of corporate shares of stock.

*Be It Enacted by the Legislature of Alabama:*

Section 1. Section 25 of Title 51, Code of Alabama, 1940, providing for taxation of corporate shares of stock is amended to read as follows:

“Section 25. Assessment and Collection. Every share of any domestic corporation except: (1) financial institutions which comply with the provisions of this title as to excise taxes herein levied on such financial institutions (financial institutions within the meaning of this section and as expressly exempted from the provisions hereof are hereby defined as follows: Any corporation or any legal entity whatever doing business in this state as a bank, banking association, trust company, industrial or other loan company, building and loan association, and any other corporation or institution employing money capital coming into competition with the business of national banks); and except (2) insurance companies which are subject to the provisions of this title as to premium taxes herein levied on such insurance companies, and which shall be exempt from the tax assessed hereunder, shall be assessed and the taxes thereon collected in the county wherein such corporation has its home or chief office in the state, and shall be assessed at sixty percent of its value to the person in whose name such shares stand on the books of the corporation and not to the corporation. Provided, however, that in the event the excise tax levied by this title upon such financial institutions be declared unconstitutional, the tender to the department of revenue of such excise tax despite such unconstitutionality, shall be a bar to any demand, claim, levy or assessment of any ad valorem tax under this section. The president or managing officer of every such corporation shall make out and return under oath to the tax

assessor and to the department of revenue a list showing the total number of shares of capital stock of such corporation and the par value thereof, and the full name and residence of each stockholder, as far as known, the actual value thereof, the date of the last sale of shares of stock of such corporation, with the name of the seller and the purchaser and the price paid for same, and the annual dividend declared on the stock of such corporation, for the last three years, and the value of the shares as shown by the books of the corporation, and by the last report of the officers to the shareholders, and the amount of the surplus, and the amount of the undivided profits not included in the surplus, and such other information as may be required by the department of revenue. There shall be attached to the copy of the return made to the department of revenue a true balance sheet as shown by the books, showing the condition of such corporation at the close of its fiscal period next preceding October first of the year for which the assessment is to be made. Such corporations shall at the same time make a tax return sworn to by its president or manager, to the department of revenue and to the county tax assessor, on forms prescribed and furnished by the department of revenue, of all taxable property, real and personal, situated in the state and owned by such corporation, and the department of revenue after passing on the value of the shares of the capital stock shall fix the value of all the shares of said corporation and shall take sixty percent thereof which shall be the assessed value of the shares of said corporation. Whenever the department of revenue shall have passed on the valuation and assessment of the shares of any domestic corporation as herein provided, it shall give notice in writing by registered mail, return receipt demanded, to the president or managing officer or person signing the tax return of the corporation, or if no return has been made, then such notice to be addressed to any officer of the corporation against whose shares the assessment has been made, giving notice of the valuation and assessment, stating that on a day specified, it will determine any complaint against said valuation, which notice must be served at least ten days before the day specified for a final determination of the assessment. Upon hearing the complaint of protest against any valuation or assessment of the shares of the domestic corporation or if there has been no complaint or objection filed on or before the date specified in the notice for the determination of such matter, the department of revenue shall proceed to determine and fix the value of such shares and complete the assessment thereof. After the assessed value of all the shares has been passed on and determined the department of revenue shall deduct from the total value of such shares the assessed value of the real and personal property of the corpora-

tion as shown by such tax return by the corporation or finally determined and the value of the residue remaining after deducting the assessed value of the real and personal property as finally determined shall constitute the assessment against the shares of such corporation, and such residue divided by the whole number of shares shall constitute the assessment of each share for taxation. Provided, however, that should the assessed value of the real and personal property as shown by such tax return differ from the assessed value of the real and personal property as finally determined by the taxing authorities required to assess such property or in case of appeal, as finally determined by the court of last resort, the same shall not affect the assessed value of all of the shares of the corporation as fixed by the department of revenue. It being the meaning and intent of this section that the assessed value of all the shares of the corporation be fixed by the department of revenue and that there be deducted therefrom the correct assessed value of the real and personal property of the corporation when the same shall finally be determined. Provided, however, that if any property owned by a corporation which property is subject to taxation in this state is omitted from the tax return filed by said corporation, the same shall be assessed as an escape item or item of taxation in the same manner as escaped property of individuals and the value of such omitted property shall not be deducted from the value of the shares of stock of the corporation as assessed for taxation. If the aggregate assessed value of the shares does not exceed the aggregate assessed value of the real and personal property of the corporation, then no tax shall be demanded or collected on the shares. Provided further that any corporation within the provisions of this section shall be entitled, for the purpose of arriving at the value of its shares for taxation, to have deducted from the value of its shares as fixed by the department of revenue the assessed value of property owned in other states or amount of assessment of property made by it in other counties of this state on the next preceding first day of October. The department of revenue and tax assessor shall have a right to demand and receive of said corporation a certified copy of assessment of any property outside of the State of Alabama sought to be deducted as above provided. It shall be no ground for objection to such assessment of shares that the same is entered upon the assessment book in the name of the corporation. Provided that no shareholder of any corporation which actually pays a tax on its franchise or intangible property shall be liable for the taxes specified in this section as to the same property. When the assessment of all the shares herein provided shall have been made final the department of revenue shall deliver the said final assessment to the

tax assessor and shall send a copy to the president or managing officer of the corporation whose shares have been assessed."

Section 2. This act shall become effective October 1, 1966.

Approved September 22, 1965.

Time: 6:12 P. M.

Act No. 28

H. 220—Callahan

### AN ACT

To apply in all those counties in Alabama having a population of not less than 100,000 and not more than 115,000 inhabitants, according to the latest or any subsequent Federal Decennial Census, and to provide for an appeal to the Circuit Court of such counties by any Attorney at Law convicted in any Recorder's Court, or other Municipal Court, of contempt of such Court, and to provide that no appeal bond in such cases shall be in an amount in excess of \$300.00 and to provide for the approval of any such appeal bond by any Circuit Judge, Probate Judge, or Justice of the Peace in any such county; and to provide for the suspension of any punishment meted out by any such Recorder, or other Municipal Judge, pending the outcome of such appeal and to provide for a trial by jury of such contempt charge, when any such appeal is made, and to repeal all laws or parts of laws in conflict with this act:

#### *Be It Enacted by the Legislature of Alabama:*

Section 1. This act shall apply in all those counties of Alabama having a population of not less than 100,000 and not more than 115,000 inhabitants, according to the latest, or any subsequent Federal Decennial Census.

Section 2. In all those cases coming within the purview of this act, when an Attorney at Law is convicted by any Recorder of the Recorder's Court, or other Judge of a Municipal Court, of the offense of contempt of such Court, such Attorney at Law shall have the right to immediately file an appeal to the Circuit Court of such County by giving such Recorder or other Municipal Judge, either oral notice, or notice in writing, and by filing an appeal bond in an amount to be fixed, immediately, by such Recorder or other Judge of a Municipal Court, which amount of such bond, shall in no event be in excess of \$300.00, and all punishment shall be suspended pending such appeal, and such attorney shall not be arrested or detained for a period of at least three hours in order to allow him time to get a bond executed and approved.

Section 3. Such appeal bond shall be approved by any Circuit Judge, Probate Judge or any Justice of the Peace in such county.

Section 4. When any such appeal is filed the same shall



be tried in Circuit Court of such county and shall be tried de Novo by a jury, unless waived by such Attorney at Law.

Section 5. If any part or section of this act shall be declared unconstitutional by any court of competent jurisdiction it shall not affect that part which is constitutional.

Section 6. This act shall take effect immediately upon its passage and approval by the Governor, or its otherwise becoming a law.

Section 7. All laws and parts of laws in conflict with this act are hereby expressly repealed.

Approved September 22, 1965.

Time: 10:25 P. M.

Act No. 29

S. 78—Mathews

### AN ACT

To make an additional appropriation for payment of expenses of the Legislature.

*Be It Enacted by the Legislature of Alabama:*

Section 1. There is hereby appropriated from any funds in the State Treasury not otherwise appropriated for the payment of the expenses of the Legislature the sum of One Hundred Fifty Thousand dollars (\$150,000.00) for the fiscal year ending September 30, 1965, and the sum of Seventy Five Thousand dollars (\$75,000.00) for the fiscal year ending September 30, 1966. The appropriations herein made are in addition to all other appropriations heretofore made for the purpose herein stated.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 23, 1965.

Time: 1:55 P. M.

Act No. 30

H. 173—Callahan, Campbell (Tuscaloosa)

### AN ACT

To authorize and create an additional judge of the Sixth Judicial Circuit of Alabama and to provide for his election, jurisdiction, powers, authority and qualifications, to render him liable to all the pains and penalties of the other Circuit Judges of the State, to provide for the designation of such Circuit Judges by number and to provide for the salary of said Judge.

*Be It Enacted by the Legislature of Alabama:*

Section 1. That there shall be, and hereby is authorized and created an additional judge of and for the Sixth Judicial Circuit of Alabama, to be known and designated as Judge Number Four, who shall be elected or appointed as provided in Article 6, Section 159 of the Constitution of Alabama.

Section 2. That said additional judge shall have and exercise all the jurisdiction, powers, rights and authority and shall possess all the qualifications, and may perform all the duties that the other circuit judges of the State of Alabama may exercise, have or perform; and he shall be liable to all the pains and penalties of said other circuit judges of the State.

Section 3. The said additional circuit judge and his successors in office shall be known and designated as Judge Number Four of said circuit, and the present judges and their successors in office shall be known and designated as Judges Number One, Two and Three of said circuit respectively. The salary and compensation of said Judge Number Four shall be the same as paid by the State to the other circuit judges of the State of Alabama and shall be paid out of the State treasury in equal installments as the salaries of the other circuit judges are paid, and the same supplement paid to the other circuit judges of the Sixth Judicial Circuit by the county or counties comprising the said Sixth Judicial Circuit shall be paid, in like manner, to said Circuit Judge Number Four. Candidates for the office of circuit judge in said circuit shall designate whether they are candidates for the office of Circuit Judge Number One, Number Two, Number Three or for the office of Circuit Judge Number Four.

Section 4. This Act shall take effect August 1, 1966.

Approved September 23, 1965.

Time: 2:05 P. M.

Act No. 31

S. 104—Eddins

AN ACT

Relating to counties having a population of not less than 27,000 nor more than 30,000 according to the most recent federal decennial census; to provide for a solicitor's fund therein when the solicitor resides in such county from the solicitor's fees taxed and collected as costs and providing for the expenditure and use thereof.

*Be It Enacted by the Legislature of Alabama:*

Section 1. All solicitor's fees which are hereafter taxed

as costs and collected in any county having a population of not less than 27,000 nor more than 30,000 according to the most recent federal decennial census in accordance with the provisions of Section 85 of Title 11, Code of Alabama (1940), as amended and which fees were prior to September 6, 1957 paid into the treasury of the State, shall be paid into the treasury of the county where the fee is imposed and collected to the credit of the circuit solicitor's fund. Such fund shall be used and expended as provided in Sections 2 and 3 of this Act.

Section 2. The circuit solicitor whose residence is in any such county is hereby authorized and empowered to make requisitions on the circuit solicitor's fund of such county for the payment of any and all expenses incurred by him for law enforcement work in the county, and in the proper discharge and conduct of the duties of his office, as he may see fit, except that such requisitions for the payment of such expenses shall not exceed the amount in said fund; and in no event shall expenditures from such funds exceed one thousand dollars in any one fiscal year. The county treasurer or custodian of county funds shall pay claims against the circuit solicitor's fund upon requisitions signed by the solicitor.

Section 3. Any monies remaining in the circuit solicitor's fund in any such county at the close of the fiscal year in excess of one thousand dollars, that portion which exceeds said sum of one thousand dollars, may be covered into the general fund of the county and may be used as any other general funds of the county are used.

Section 4. All laws and parts of laws which conflict with this Act are repealed except that certain Act approved September 6, 1957, being Act No. 446, 1957 Alabama Acts, is only repealed insofar as it relates to any county described in Section I hereof, however it shall in no manner affect the solicitor's fund in any other county as now provided by law.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 23, 1965.

Time: 4:15 P. M.

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Act No. 32

S. 105—Eddins

### AN ACT

Relating to counties having a population of not less than 27,000

nor more than 30,000 according to the most recent federal decennial census; to provide for the compensation of the deputy sheriffs and jailors therein, payable out of county funds.

*Be It Enacted by the Legislature of Alabama:*

Section 1. In any county having a population of not less than 27,000 nor more than 30,000 according to the most recent federal decennial census, the chief deputy sheriff shall be paid not less than \$450.00 nor more than \$475.00 per month, and the other two deputy sheriffs shall each be paid not less than \$400.00 nor more than \$425.00 per month and the county jailor shall be paid not less than \$300.00 nor more than \$325.00 per month, which salaries shall be paid by the governing bodies of such counties each month from the same funds from which their salaries are now paid.

Section 2. All laws and parts of laws in conflict with this Act are now repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 23, 1965.

Time: 4:16 P. M.

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Act No. 33

S. 106—Clark

### AN ACT

Relating to counties having populations of not less than 24,600 nor more than 25,300, according to the most recent federal decennial census; to provide an additional expense allowance for the judge of probate of any such county for the ex officio duties performed by him as judge of the county court.

*Be It Enacted by the Legislature of Alabama:*

Section 1. The probate judge in any county having a population of not less than 24,600 nor more than 25,300, according to the most recent federal decennial census, shall receive an expense allowance of \$1,500 per annum for the expenses incurred in performance of his ex officio duties as judge of the county court. The allowance herein provided shall be in addition to any other compensation or allowances payable to such judge, and shall be paid in equal monthly installments out of the county treasury.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately

upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 23, 1965.

Time: 4:18 P. M.

Act No. 34

S. 118—Horton

AN ACT

To repeal Act No. 438, H. 1026, Regular Session 1965, an act proposing an amendment to the Constitution of Alabama relative to the town of Lester, Limestone County.

*Be It Enacted by the Legislature of Alabama:*

Section 1. Act No. 438, H. 1026, Regular Session 1965, an act proposing an amendment to the Constitution of Alabama relative to the town of Lester, Limestone County, is hereby repealed.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 23, 1965.

Time: 4:19 P. M.

Act No. 35

S.J.R. 3—Givhan

SENATE JOINT RESOLUTION

WHEREAS Mr. Gessner T. McCorvey passed away in Mobile on August 27, 1965, at the age of 83; and

WHEREAS Mr. McCorvey, one of the most prominent political figures in Alabama, was a member of the Alabama Democratic Executive Committee for a quarter of a century, and served as its chairman. A senior partner in one of Mobile's most respected law firms, he practiced law for more than 60 years and remained active in his profession until shortly before his death. His services to the State in the legal and political fields were many, varied, and valuable; and

WHEREAS Mr. McCorvey was an individualist who staunchly supported the doctrine of states' rights and exemplified loyal adherence to Southern traditions. A descendant of the distinguished Tutwiler family, he conscientiously performed his duties according to his undeviatingly high principles; and

WHEREAS a man of Mr. McCorvey's excellent and out-

standing character and eminence in both private and public life will be sorely missed not only by his family and friends, but also by the citizens of his community and the entire State; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we mourn the death of this distinguished gentleman, and we extend our heartfelt sympathy to the surviving members of his family.

BE IT FURTHER RESOLVED That copies of this Resolution be sent to Mr. McCorvey's family; to the Honorable Walter Sillers, Speaker of the House of Representatives of the Mississippi State Legislature; and to Mr. McCorvey's law firm, McCorvey, Turner, Johnston, Adams, and May.

Approved September 23, 1965.

Time: 4:20 P. M.

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Act No. 36	S.J.R. 5—Clark, Adams, Allen, Bentley, Brannan, Carter, Cooper, Dumas, Eddins, Evans, Gilchrist, Givhan, Hammond, Hawkins, Hornsby, Horton, James, Lolley, Lowe, Mathews, McCain, McDow, Metcalf, Montgomery, Nichols, Oden, Reynolds, Roberts, Robison (Montgomery), Robison (Pickens), Shelton, Smith, Taylor, Tyson, Wilson
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#### SENATE JOINT RESOLUTION

WHEREAS, the Board of Corrections is currently engaged at Draper Correctional Center in an unusually promising experimental program for the rehabilitation of youthful offenders, known as the Vocational Experimental-Demonstration Project; and

WHEREAS, this program was initiated and is being conducted under a contract with the Federal Manpower Training and Development Program which will expire October 29, 1965; and

WHEREAS, among the objectives of this program are: The selection and training of a group of incarcerated, youthful offenders, who soon will be eligible for parole; their placement in jobs, after parole; the furnishing of follow-up services to them through counseling with them, their families and

their employers; the providing of accredited field training experiences for college students studying guidance and training by utilizing such students in the program; and the compilation and evaluation of data to substantiate the contention that vocational training and intensive counseling can reduce the rate of recidivism; and

WHEREAS, the ground work for this program has been carefully laid, the training techniques and materials used have attracted nationwide attention and acclaim, and the accomplishments to date have been outstanding; and

WHEREAS, not enough prison inmates have yet been trained under this program to constitute a reliable sample for scientific research purposes and it is generally conceded by authorities in the field of penology that no fair measure of recidivism can be made in a period of less than three years, hence the program has not been in operation long enough to accomplish several of its main objectives; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Representatives of Alabama in the House of Representatives of the United States Congress and the Senators representing Alabama in the United States Senate are hereby memorialized to interpret the need for the continuation of the Vocational Experimental-Demonstration Project at Draper Correctional Center to the appropriate officials of the federal government and to endeavor to get the contract, under which the project functions extended so that the full potential of the program may be effectuated.

Approved September 23, 1965.

Time: 4:21 P. M.

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Act No. 37

S.J.R. 6—McDow

### SENATE JOINT RESOLUTION

WHEREAS former sheriff, Hugh M. Sims, prominent political, civic, and religious leader of Shelby County passed away at his home in Columbiana on September 10, 1965; and

WHEREAS Mr. Sims who at the time of his death, was serving as town clerk of Columbiana and as vice president of Simsco Incorporated, was a Mason and Shriner, and had been prominently identified with many projects for the betterment of his community; and

WHEREAS Mr. Sims was active in the First Baptist Church where he had served as a Deacon, Superintendent of the Sunday School and as treasurer; and

WHEREAS Mr. Sims is survived by his widow, Mrs. Lillie Mae Sims; two sons, Hugh M. Sims, Jr., of Columbiana and Thomas Wayne Sims of Winfield, Alabama; two daughters, Mrs. Shirley Dees of Repton, Alabama, and Mrs. Jimmy Whittemore of Columbiana; five sisters; three brothers and six grandchildren; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body deeply regrets the untimely death of Mr. Sims and extends its sincere sympathy to the surviving members of his family.

RESOLVED FURTHER That copies of this resolution shall be sent to Mrs. Sims and to the sons and daughters.

Approved September 23, 1965.

Time: 4:22 P. M.

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Act No. 38      H. 95—Rast, Bethea (M), Dominick, Etheredge,  
Bowers, Locke, Vacca, Sessions,  
Gilmore, Bailes, Perry, Brown  
(Jefferson), Meeks, Collins (Jefferson)

### AN ACT

To repeal parts of Section 2 of Act No. 625, H. 1002, Regular Session 1965 approved August 26, 1965 providing for the sale and transfer of the assets and facilities, for the merger and dissolution and for the payment or assumption of all obligations of certain improvement authorities in all counties of 500,000 or more, according to the most recent federal decennial census, in the event of the merger, sale or dissolution of any such authority and to amend the remaining part of said section.

*Be It Enacted by the Legislature of Alabama:*

Section 1: Section 2 of Act No. 625, H. 1002, Regular Session 1965 entitled "An Act to provide for the sale and transfer of the assets and facilities and for the merger and dissolution of public improvement authorities in counties having a population of 500,000 or more according to the last or any subsequent federal census which have been or may be created or organized under Chapter 3, of Title 50, of the 1958 Re-compiled Code of Alabama (General Acts 1935, page 72, as amended by General Acts, 1956, 2nd Extra Session, page 359, and by General Acts, 1957, page 611); and to provide for the payment or assumption of all obligations of such authority



or authorities in the event of any such merger, sale or dissolution" is amended to read as follows:

"Section 2: Chapter 3 of Title 50 of the 1958 Recompiled Code of Alabama (and General Acts 1935, Page 72) is amended by adding thereto the following as Title 50, Section 38(1) of the 1958 Recompiled Code of Alabama [and will be Section 23(1) of Act No. 40, Regular Session 1935, approved February 7, 1935]: 'Section 38(1), Any authority created and organized under this Chapter in counties having a population of 500,000 or more, according to the last or any subsequent federal decennial census, may sell, transfer and convey its entire water system, under the provisions of Section 40 of this Chapter (Title 50, Section 40 of the 1940 Code of Alabama as amended by Act No. 837, S. B. 591, Regular Session 1965, approved September 2, 1965), only with the approval of a majority of the qualified electors voting in those voting boxes, the territory of which are in whole or in part within the territory of the said authority. No proposal for such sale, transfer and conveyance shall be submitted to such electors until and unless a definite contract has been entered into contingent upon an approval of a majority of such electors voting in an election to be called and held for the purpose of submitting such proposal. Upon execution of any such contract or agreement, the trustees of such authority shall adopt a resolution requesting that the Probate Judge of the county in which such authority is located cause the question of approval of such proposed contract to be submitted to a vote of such electors, which issue shall be submitted in substantially the following form:

Shall the contract providing for the sale, transfer and conveyance of the entire water system of the (name of improvement authority) to (name of proposed vendee or transferee) be approved?

and provision made for the casting of an affirmative or negative vote. Upon receipt of a certified copy of such resolution, the Probate Judge shall designate the day for the holding of a special election on such question, which said election shall be held not less than thirty (30) days nor more than one hundred twenty (120) days next following the execution of such contract, but shall be held at the next general, special or local election otherwise being held if said next general, special or local election is to be held within said time. Not less than ten days prior to such election, said Probate Judge shall cause a notice of such election together with a true and correct copy of such contract or agreement to be posted in at least three public places within the authority's territory. The provisions of the election law covering the registration

of voters, equipment of polling places, furnishing of supplies, appointment of election officers, and voting and canvassing of returns at a general election shall apply to such election. The cost of such election shall be paid by the governing body of the county in which such authority is located, but such county shall be reimbursed for such cost by the authority or by the vendee or transferee to whom the water system of the authority is being sold, transferred or conveyed. In the event a majority of the electors voting in such election vote in the affirmative and thereby approve such contract, then the trustees of such authority shall forthwith proceed with the consummation of such agreement following which they shall file in the office of the Probate Judge in the county in which said authority is located and with the Secretary of State a certificate of dissolution of the authority executed by all trustees, and upon the filing of such certificate, such authority shall be dissolved.' "

Section 2. All provisions of the said Section 2 of said Act No. 625 in conflict with or in addition to those contained in Section 1 of this Act are expressly repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 23, 1965.

Time: 4:23 P. M.

Act No. 39

H. 60—Hester, Fite, Engel

### AN ACT

To amend further Section 1 of Act No. 936, H. 652, Regular Session 1951 (Acts 1951, p. 1605), an Act relating to Supernumerary Circuit Judges, so as to regulate further their compensation while actively performing the duties of a circuit court judge.

*Be It Enacted by the Legislature of Alabama:*

Section 1. Section 1 of Act No. 936, H. 652, Regular Session 1951 (Acts 1951, p. 1605), an Act relating to Supernumerary Circuit Judges, is amended further to read as follows:

"Section 1. The salary of each supernumerary circuit judge shall be the sum of five thousand two hundred dollars (\$5,200) per annum to be paid as other judges' salaries are now paid, and it shall be their duty upon the written order of either the governor or the chief justice to hold court or perform such judicial duties as may be required of them by

said written order in any of the counties of this state. Each such supernumerary judge, while holding circuit court or performing other duties of a regular circuit court judge upon the written order of either the governor or the chief justice, shall receive compensation equal to that due the regular judge for the performance of such duties, such compensation to be paid in the same manner as the compensation of the regular judge is paid. Each such supernumerary judge, while serving on the supreme court or court of appeals at the request of the chief justice or governor, shall receive an additional sum, during the term of such service, at the rate of four hundred dollars (\$400) per month as an expense provision, payable out of the treasury as the salaries of other judges are now paid. This allowance is in addition to that provided by Section 2 of this Act. Each supernumerary circuit judge shall hold office during good behavior and may be removed only by impeachment for the causes specified in Section 173 of the Constitution."

Section 2. This Act shall become effective immediately upon its passage and approval by the governor, or upon its otherwise becoming a law.

Approved September 23, 1965.

Time: 4:24 P. M.

Act No. 40

H. 62—Hester

### AN ACT

To authorize the Commissioner of Agriculture and Industries to enter into contract by bond or insurance policy for the protection of employees of the Department of Agriculture and Industries against certain hazards where such employees are engaged in work involving the inspection, grading and weighing of agricultural products.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** The Commissioner of Agriculture and Industries, subject to approval by the Governor, is hereby authorized and empowered and may enter into a contract by bond or policy with an insurance company authorized to do business in this State whereby employees of the Department of Agriculture and Industries who are engaged in work involving the inspection, grading, classifying, weighing, or otherwise handling, agricultural commodities at shipping points, terminal markets, receiving centers or elsewhere will be insured against personal injury or death caused by accidental means while discharging their duties as such employees. The amount of insurance protection to be paid to any employee as authorized hereunder on account of death, injury or disability shall not exceed the

amount or amounts as provided by the workman's compensation laws of the State of Alabama if such employees were privately employed, except that such insurance may provide additional benefits not to exceed Ten Thousand Dollars (\$10,000.00) per employee for the payment of hospital and medical expenses. The cost of any accident, death, disability, hospital, medical or other insurance benefits as authorized hereunder shall be paid out of the Shipping Point Inspection Fund of the State Treasury.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 23, 1965.

Time: 4:25 P. M.

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Act No. 41

H. 84—Etheredge

### AN ACT

To declare the powers and duties of fiduciaries with respect to the distribution of property in kind in satisfaction of a pecuniary gift.

*Be It Enacted by the Legislature of Alabama:*

SECTION 1. Where by the terms of a will or trust instrument a fiduciary may or must satisfy a pecuniary gift thereunder by distributing or allocating property in kind according to the value thereof other than the value on the date of distribution or allocation, the fiduciary, in satisfying such gift from the property available therefor, shall, unless the governing document expressly prohibits such a selection of property, select property, including cash, fairly representative of appreciation or depreciation in the value at the date or dates of distribution or allocation of all property then available for distribution or allocation in satisfaction of such gift.

SECTION 2. The enactment of this statute is not intended to imply that the present law of this State, relating to selection of property by fiduciaries in the circumstances herein described, has been otherwise than as set forth in Section 1 hereof.

SECTION 3. The provisions of this Act are severable. If under any circumstances any part of this Act is declared invalid or unconstitutional, such declaration shall not affect the part that remains nor impair its validity when applied to other circumstances.

SECTION 4. This Act shall become effective immediately

upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 23, 1965.

Time: 4:26 P. M.

Act No. 42

H. 99—Hankins

### AN ACT

Relating to counties having a population of not less than 13,700 nor more than 14,300 according to the most recent federal decennial census; to provide an additional expense allowance for the chairman or presiding judge and members of the governing body of any such county, payable out of county funds.

*Be It Enacted by the Legislature of Alabama:*

Section 1. In any county having a population of not less than 13,700 nor more than 14,300 according to the most recent federal decennial census, the chairman or presiding judge and each member of the board of revenue, court of county commissioners, or other like governing body of such county shall be allowed an expense allowance not to exceed \$50 per month as reimbursement for expenses incurred in the performance of his duty as a member of such governing body. The amount of such allowance shall be fixed by resolution of the governing body and shall be paid out of the general fund of the county or out of the county gasoline tax fund, or both, as prescribed by law. The allowance herein provided shall be in addition to any other salary, allowance, or other compensation provided by law to members of any such county governing body.

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 23, 1965.

Time: 4:28 P. M.

Act No. 43

H. 86—Etheredge, Turnham, Grouby, Rast,  
(M) Bethea, Goodwyn, Sullivan,  
Hester

## AN ACT

To amend Chapter 7 of Title 2, Code of Alabama of 1940 by amending Section 674 thereof, as amended, relating to the qualifications, annual permit and other requirements for persons engaged in professional services or work pertaining to entomological, pathological, horticultural and floricultural, and tree surgery work including structural pest control work; and to further amend said Chapter by amending Section 676 thereof, as amended, relating to the penalty for violations by providing that persons engaging in such professional services or work without a permit may be restrained and enjoined from performing such work.

*Be It Enacted by the Legislature of Alabama:*

Section 1. Section 674 of Chapter 7 of Title 2 of the Code of Alabama of 1940, as heretofore amended, is hereby amended to read:

“Section 674. A. (a) PERMIT; EXAMINATION; FEES; STRUCTURAL PEST CONTROL WORK REQUIREMENTS.— Before any person engages in professional work or services as defined in this Chapter, or before any person shall solicit such work through advertising or in any other manner, such person shall apply for and obtain from the Commissioner of Agriculture and Industries an annual permit therefor and the application for a permit shall be on forms furnished for this purpose. The annual permit fee shall be Twenty-five Dollars (\$25.00); except, however, the annual permit fee for persons engaged in the type of entomological work known as structural pest control work, as hereinafter defined, shall be Fifty Dollars (\$50.00); provided, further, that any person engaged in structural pest control work who conducts such work from more than one location or place of business which location is a branch office, as hereinafter defined, shall be required to obtain a branch office permit for each branch office and the permit fee shall be Twenty-five Dollars (\$25.00) for each such branch office. The fee levied hereunder for any permit issued on or after April 1 of any year shall be one-half of the amount prescribed above for a permit fee. All such permits shall expire on September 30, the end of the fiscal year for which they are issued and shall be renewable as of October 1 upon payment of the permit fee as herein prescribed and compliance with the other requirements of this Chapter. The Commissioner pursuant to rules and regulations as authorized hereunder may require applicants for a permit to submit statements as to training and experience in professional work or services and applicants shall be required to pass such tests or examinations for each type or branch of professional services or work as the Examining Board may prescribe for the type of work that applicant desires to perform. An examination fee of Ten Dollars (\$10.00) shall accompany each application for an examination; provided, however, such examination fee shall entitle the applicant to take all examinations for any branch or

type of professional work or services that may be given at one particular time. All permit fees and examination fees collected hereunder shall be deposited in the State Treasury to the credit of the Agricultural Fund for use and expenditure for the administration and enforcement of this Chapter. The term "STRUCTURAL PEST CONTROL WORK" as used herein shall mean and include that branch or type of entomological or pest control or eradication work which involves the performance of work, or giving advice or prescriptions, for compensation for the prevention, control or eradication of insects, vermin, rodents, other pest animals, fungi or other wood destroying organisms in household structures, commercial buildings, or other structures by the use of insecticides, rodenticides, repellants, other chemicals, mechanical devices, or structural modifications, as well as the fumigation of products, containers, structures, or transportation vehicles. Before a permit is issued to any applicant such applicant must be certified by the Examining Board as qualified to perform the type or branch of professional work or services for which a permit is desired; provided, however, a full-time employee of the applicant who has been certified by the Examining Board as qualified to perform the type or branch of professional work or services in which applicant will engage may be designated by applicant as supervisor to be in charge of and responsible for applicant's professional work or services and the permit may be issued naming such employee as supervisor. When a person has qualified for a permit to perform more than one type or branch of professional work or services, other than structural pest control work, only one permit shall be required to be obtained by such person and the permit shall specify each type of professional work or services that such person is authorized to perform. When a person has qualified for a permit to perform more than one type or branch of structural pest control work, such person shall be required to obtain only one permit which shall specify thereon each type of such work that such person is authorized to perform; provided, however, any person who performs structural pest control work from a branch office, as hereinafter defined, shall also be required to obtain a branch office permit for each such branch office maintained by such person. If the permit fee levied hereunder is not paid within thirty (30) days from the date on which such fee is due, a delinquent penalty of 10% shall be added to the amount thereof.

(b) GRANDFATHER CLAUSE.—Every person who has been determined by the Examining Board prior to the effective date of this Act to be qualified to perform any type or branch of professional work or services shall not again be required to be examined by said Board for determination of his qualifications to be issued a permit as required hereunder with respect to that type or branch of such work which he has been previously determined by said Board to be qualified to perform.

B. (a) **STRUCTURAL PEST CONTROL WORK REQUIREMENTS.**—Every person who has been issued a permit to engage in structural pest control work shall conduct such work from an established location or place of business, and such person or another individual as a full-time employee of such person who has been certified by the Examining Board as being qualified for a permit shall be in charge of and responsible for such person's structural pest control work as supervisor. Where a person has more than one separate place of business or location, such person shall obtain a permit for each such separate location or place of business and each such separate location from which structural pest control work is conducted including a branch office shall be under the supervision of an individual who has been certified by the Examining Board as qualified to conduct the type of structural pest control work that such person offers to perform. "Branch office" as used herein means a place of business at an established location other than the main office having equipment and one or more employees directly engaged in structural pest control work from such place of business which place of business is a subdivision or branch of the main office, point of headquarters or principal operation of the firm. Any place or location maintained for telephone answering service and the handling and dispatch of orders only shall not be construed to be a "branch office" under the foregoing definition of that term. No person having a permit as required hereunder or who has been certified by the Examining Board as qualified for such a permit shall be assigned or designated to supervise the activities of more than one main or principal office or more than one branch office. Any person who has been granted a right or a franchise from another person to conduct structural pest control work as a separate company, firm or corporation shall qualify and comply with all of the requirements of this Chapter before such company, firm or corporation is authorized to engage in structural pest control work. Any individual, firm or corporation who allows others to use its permit in such a manner so as to avoid compliance with any of the requirements of this Chapter shall be guilty of a violation of the penalty provisions of this Chapter and shall be punished as therein prescribed. Persons engaged in structural pest control work by the treatment of buildings or structures shall use for such treatment a chemical with a toxic or other effective base, or employ other effective methods to be approved by the Commissioner of Agriculture and Industries under regulations adopted by the State Board of Agriculture and Industries for this purpose. The Department of Agriculture and Industries through its agents or employees shall have authority at all times to examine and test any and all chemicals or other methods used or employed for structural pest control work by any person engaged



in such work. (b) **MINIMUM QUALIFICATIONS FOR A PERMIT FOR STRUCTURAL PEST CONTROL WORK.**—Every applicant for examination for a permit to engage in structural pest control work must have a knowledge of the practical and scientific facts underlying the practice of structural pest control work, and the necessary knowledge and ability to recognize and control those hazardous conditions which may affect human life and health. Applicants before being eligible to take an examination for structural pest control work must present satisfactory evidence to the Commissioner of Agriculture and Industries relative to his or her qualifications which must include, as minimum qualifications for a permit, two (2) years working experience in the field of structural pest control for which the permit is applied; or, in lieu of the foregoing, a college degree which includes instructions in entomology satisfactorily completed.

**C. TERMITE ERADICATION WORK REQUIREMENTS.**—In addition to the other requirements hereof, each person who has been issued a permit to engage in that branch or type of structural pest control work known and designated as subterranean termite eradication or control work must have his unit or equipment marked for easy identification, and such persons shall be required to file with the Department of Agriculture and Industries a monthly report containing such information relative to work performed as may be required by rules and regulations, duly adopted as authorized under provisions of this Chapter in order that it may be determined whether persons having been issued a permit are complying with the requirements of this Chapter. Every person engaged in subterranean termite eradication and control work shall make an annual inspection of each job done during the term of guarantee or contract and shall report to the building owner in each instance as to whether or not there has been a reinfestation of subterranean termites. If a contract for termite eradication work provides for inspections of such work at intervals of less than one year, such persons engaged in such work shall make the inspections as required under the terms of the contract and failure or refusal to make such required inspections or any retreatment or other related work as required under a contract shall constitute a valid and sufficient reason for revocation of the permit.

**D. REVOCATION OF PERMITS.**—Upon determination by the Commissioner that any person having a permit issued under the provisions of this Chapter, or any person who has applied for such a permit, has violated or failed to comply with any of the provisions or requirements of this Chapter or any rules and regulations promulgated thereunder, the Com-

missioner shall be authorized to revoke such permit or he shall refuse to issue a permit to an applicant therefor. The performance of unauthorized work not covered by a permit, making misrepresentations or any fraudulent practices, failure to perform a contract, or continued use of ineffective methods or materials shall also be valid grounds for revocation of a permit; provided, however, no permit shall be revoked unless the holder thereof shall be given, at least ten (10) days notice that such action is to be considered by the Commissioner with an opportunity being given for a hearing before the Commissioner. Any applicant refused or denied a permit or any person whose permit is revoked shall be entitled to appeal such action of the Commissioner to the State Board of Agriculture and Industries by filing with the Commissioner, within a period of fifteen (15) days, a written notice or demand for review of the action of the Commissioner in denying or revoking a permit. The State Board of Agriculture and Industries shall review the action of the Commissioner in denying or revoking a permit and make a finding as to whether the permit shall be issued or revoked. Any person denied or refused a permit or any person whose permit has been revoked by action of the Commissioner shall have the right to appear before the Board and be heard in support of his appeal. Any person whose permit to perform work or services as regulated hereunder has been revoked shall not be eligible to have such a permit again issued to him for a period of not less than one year following the date on which such a permit was revoked. Nothing contained in this Chapter shall require the Commissioner to issue a permit to any person who has been convicted for a violation of this Chapter."

Section 2. Section 676 of Chapter 7 of Title 2, Code of Alabama of 1940, as heretofore amended, is hereby further amended to read:

"Section 676. A. PENALTY; MISDEMEANOR. — Any person who engages in professional work or services as defined in this Chapter without having a permit as required by said Chapter or any person who violates any of the provisions or requirements of this Chapter or any rules and regulations adopted and promulgated as authorized under said Chapter shall be guilty of a misdemeanor and, upon conviction, shall be fined not less than Twenty-five Dollars (\$25.00) nor more than Five hundred Dollars (\$500.00), and, within the discretion of the court, may also be imprisoned for a period not to exceed six (6) months. Fines paid for such violations shall be deposited in the State Treasury to the credit of the Agricultural Fund.

"B. INJUNCTIVE RELIEF.—In addition to the penalty provided hereunder and notwithstanding the existence of an

adequate remedy at law, the circuit court, in equity, or other court of like jurisdiction, or any judge thereof, shall have jurisdiction and for cause shown to grant a temporary or a permanent injunction, or both, restraining and enjoining any person from performing any professional work or services, as same is defined in this Chapter, without having a valid permit as required by said Chapter or after such a permit has been revoked. Bills in equity for injunctive relief as authorized hereunder shall be filed in the circuit court or other court of like jurisdiction of the county of residence of the person who performs work or services in violation of this Chapter or in the county where such unauthorized work is performed. Any restraining order or injunction issued hereunder shall be issued without a bond. Any action commenced hereunder based upon facts furnished by the Commissioner of Agriculture and Industries or others having knowledge thereof may be brought in the name of the State of Alabama; provided, however, such action shall be brought upon the relation of the Attorney General and with his approval and such officer shall upon his request be assisted by the circuit, county or deputy solicitor of the county in which injunctive proceedings are filed."

Section 3. SEVERABILITY.—The provisions of this Act are severable. If any part of the Act is declared to be invalid or unconstitutional, such declaration shall not affect the part that remains.

Section 4. This Act shall become effective on October 1, 1965; provided, however, in the event this Act is passed and approved on a date after October 1, 1965 such Act shall become effective on the date of its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 23, 1965.

Time: 4:27 P. M.

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Act No. 44

H. 179—Scurlock

### AN ACT

To apply only in counties having populations of not less than 52,000 nor more than 56,000; providing additional allowances for the tax collectors of such counties.

*Be It Enacted by the Legislature of Alabama:*

Section 1. In all counties having populations of not less than 52,000 nor more than 56,000 according to the most recent federal decennial census, the tax collector shall be entitled to receive the sum of \$1,000 for clerk hire, which shall be paid

from the county treasury immediately upon his requisition. The payment provided for in this Act is in addition to all other allowances provided by law.

Section 2. This Act is cumulative and shall take effect immediately.

Approved September 23, 1965.

Time: 4:30 P. M.

Act No. 45

H.J.R. 13—Hester

### HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we express our sincere appreciation to Mr. James Jackson, Manager of Alabama Limestone Company, Russellville, Alabama, a Division of the Georgia Marble Company, for the very useful and attractive book ends presented to each member of this Legislature. The clever and well-executed design of the book ends, carved from Alabama Limestone in the shape of the State of Alabama, is admirable, and they will be notable and excellent advertisement of the State, its craftsmen, and its products.

BE IT FURTHER RESOLVED That we thank Mr. and Mrs. John Bush for delivering the book ends to us at the Capitol in Montgomery, and that copies of this Resolution be sent to them and to Mr. Jackson.

Approved September 23, 1965.

Time: 4:31 P. M.

Act No. 46

H. 137—Edington, Engel, McDermott

### AN ACT

To amend the Code of Alabama, 1940, Title 51, Section 613 in relation to the license tax payable on vending machines.

*Be It Enacted by the Legislature of Alabama:*

Section 1. Code of Alabama 1940, Title 51, Section 613, as amended, is amended further to read as follows:

“Section 613. Vending machines.—For each machine vending gum, candy, soft drinks, ice cream, coffee, pop corn, food of any kind, drink of any kind, pencils, handkerchiefs, combs, drinking cups, cigarettes or other tobacco products, or other articles of merchandise, and for each machine for use in testing strength of grip, shining shoes, making or developing

photographs, recording the voice or other sound, and each coin-operated radio, and each coin-operated machine by which a person is weighed, and each coin-operated machine for use in entertainment or skill, and each coin-operated machine on which music is played, and each location, establishment, or place of business receiving music transmitted by wire or cable from any central point or studio whether such point or studio is situated within or without such location, establishment or place of business; \$1.00 for each machine that may be operated by pennies; \$8.00 for each machine that may be operated by nickels or coins of a larger denomination; provided that the license on vending machines vending only gum, toys, trinkets, peanuts, peanut products and food products other than beverages, which products sell for ten cents per item or less, shall be \$3.00 for each machine, except that where such items sell for one cent per item or less, such licenses shall be \$1.00 for each machine; and a separate license shall be issued for each such machine, which license shall be prominently displayed on or attached to such machine, except that no such license as herein provided for on vending machines vending only gum, toys, trinkets, peanuts, peanut products and food products other than beverages, which products sell for one cent per item or less, shall be required if the person, firm or corporation engaged in the business of operating such machine or machines shall have applied for and obtained an occupational dealer's license and shall have paid therefor the sum of \$250.00, together with one fifty cents issuance fee to the Probate Judge of the county in which such operator has his principal place of business in this State, or if such operator has no such office in this State, then to the Probate Judge of any county in which he operates any such machines; the payment of such occupational license as herein provided for in one county in the State shall be sufficient and if any operator obtains such operational privilege license in lieu of the per machine license hereinabove provided for, he shall conspicuously post on each machine operated by him under such license, his name and address and the number of his said occupational license in lieu of decals required for individual machine licenses; hotels, motels, tourist camps, or other places of business having less than five (5) coin-operated radios shall pay \$8.00 for each location; establishment, or place of business receiving transmitted music by wire or cable, except that such locations, establishments, or place of business having less than five (5) transmitters or speakers \$8.00 and for each such transmitter or speaker in excess of four (4) \$2.00 each; provided, however, that where the music transmitted by wire or cable from any central point or studio, whether such point or studio is situated within or without such location, establishment, or place of business, is not coin-operated or where no deposit of a coin or

other thing of value into any machine is necessary in order that music may be heard, then each person, firm or corporation engaged in the business of transmitting music by wire or cable may pay in lieu of the speaker or transmitter tax specified above a privilege tax as follows: In counties of 60,000 inhabitants or less, \$30.00; in counties of 60,001 and not exceeding 125,000 inhabitants, \$60.00; in counties of 125,001 inhabitants and over, \$80.00; provided that one license may be issued to include all coin-operated radios and/or transmitters or speakers located within such hotel, motel, tourist camp location, establishment, or other place of business, which license shall be prominently displayed. The licenses herein provided for shall be levied upon the operator of the machine, the coin-operated radio, or the central point or studio from which point or studio the music is transmitted; provided, however, that in the event any unlicensed machine, coin-operated radio, transmitter or speaker is found in any establishment or place of business, the operator of such establishment or place of business shall be the operator of such machine, coin-operated radio, transmitter or speaker and shall be liable for the license therefor. Provided that nothing in this section shall apply to machines installed by any person, firm or corporation, nor to coin-operated gas meters, or to coin-operated telephones, nor to machine vending postage stamps in its place of business vending necessary articles on a non-profit basis for emergency use only by the employees of such person, firm or corporation. Provided that no license shall be required under this section where a privilege or dealer's license is required by this chapter for the sale of such article and such privilege license shall have been obtained by the person, firm or corporation operating the place of business where such machine is located, or the owner of such vending machine shall have secured such privilege license as required herein. Provided, further, that no license for vending machines, vending merchandise in industrial plants or on private property for use of employees, or machines on which persons are weighed, shall be required, if in lieu thereof, the person, firm or corporation engaged in the business of operating such machine shall have applied for and obtained an occupational license and shall have paid therefor, as follows: In counties of sixty thousand inhabitants or less—thirty dollars. In counties of sixty thousand and one and not exceeding one hundred and twenty-five thousand inhabitants—sixty dollars. In counties of one hundred and twenty-five thousand and one inhabitants and over—eighty dollars.

“Any person operating or permitting the operation of a vending machine dispensing packages or in quantities less than a package of cigarettes, or any article on which there is an excise tax the payment of which is evidenced by stamps, without

first having paid the tax thereon by affixing the required stamps to the original package as required under section 718 of this title shall be guilty of a misdemeanor and punished as provided in such section for failure to pay said tax. Each vending machine vending tobacco products of any kind whatsoever shall have securely affixed thereto in full view the name and address of the legal owner of said machine. The privilege license required by law or the vending machine license issued to cover vending machines shall be securely affixed in full view to each such vending machine before said machine is placed in operation or use. Provided that when tobacco products of any kind whatsoever are found in such vending machines to be improperly stamped or unstamped, in violation of section 718 of this title, such vending machine and contents shall be confiscated by any duly authorized agent of the department of revenue as provided in section 718 of this title, for the confiscation of improperly stamped or unstamped tobacco products. Each vending machine vending tobacco products of any kind whatsoever shall have a transparent front window, or windows, through which the Alabama revenue stamps required by section 718 of this title may be seen without the necessity of opening or unlocking the vending machine. Provided further that for the purpose of any excise or consumption taxes the payment of which is not evidenced by stamps, levied on any of the articles dispensed through such machine, the person in whose place of business each machine is located shall be considered the consumer of such article and shall be liable for such taxes measured by the regular retail price thereof. Provided further that no license shall be required under this section for home type merchandise vending machines placed in private homes for home use only and not for public use; provided further that nothing herein contained shall be construed as legalizing or licensing any machine or device which is now illegal or which may hereafter be declared illegal; provided further that all the licenses levied by this section shall bear the business address of the owner or operator thereof; it being the legislative intent that only one state and one county license shall be required for the operation of a vending machine under this section within this state for any one license year. Provided further the license shall be purchased in the county in which the machine is located or in operation on October 1st or at the time the license is purchased for the licensing year. Provided, further, that gum machines operated by pennies shall not be subject to the license herein provided for if not less than 20% of the gross profits therefrom are devoted to charitable purposes. Any person failing to perform any of the duties required of him by the provisions of this section shall be guilty of a misdemeanor and upon conviction, shall be fined not less than

ten dollars and not exceeding one hundred dollars for each offense."

Section 2. This Act shall become effective October 1, 1965 following its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 23, 1965.

Time: 8:10 P. M.

Act No. 47

H. 22—Jones (Covington)

### AN ACT

To fix the number of senators and redive the state into senatorial districts; amending further Code 1940, Title 32, Section 2.

*Be It Enacted by the Legislature of Alabama:*

Section 1. Code of Alabama 1940, Title 32, Section 2 is hereby amended to read as follows:

"Section 2. The senate of the legislature shall be composed of thirty-five senators. The state is hereby divided into twenty-six (26) senatorial districts, each of which shall be entitled to the number of senators herein indicated and from which districts senators shall be elected at large by the electors of the whole district, but in each district entitled to more than one senator, each place shall be numbered and each candidate for office shall designate in the announcement of his candidacy the number of the place for which he is a candidate; provided, no person shall be a candidate for more than one place: Jefferson, seven; Mobile, three; Montgomery, two; Madison, one; Tuscaloosa, one; Etowah, one; Calhoun, one; Bibb, Perry, Dallas, one; Autauga, Chilton, Coosa, Shelby, one; Talladega, Clay, Cleburne, one; Cherokee, DeKalb, Jackson, one; Blount, Marshall, St. Clair, one; Winston, Marion, Lawrence, Franklin, one; Limestone, Morgan, one; Lauderdale, Colbert, one; Cullman, Walker, one; Lamar, Fayette, Pickens, Greene, Hale, one; Sumter, Choctaw, Washington, Marengo, one; Clarke, Wilcox, Monroe, Conecuh, one; Baldwin, Escambia, one; Lowndes, Butler, Crenshaw, Covington, one; Geneva, Coffee, Pike, Bullock, one; Houston, Dale, one; Henry, Barbour, Russell, one; Macon, Elmore, Tallapoosa, one; Chambers, Lee, Randolph, one."

Section 2. The provisions of this Act shall be effective for the election of senators at the general election of 1966, and until the senate is reapportioned in accordance with the provisions of the Alabama Constitution.

Approved September 24, 1965.

Time: 10:05 A. M.



## AN ACT

To fix the number of members in the house of representatives of the legislature and provide for apportionment of the members among the several counties.

*Be It Enacted by the Legislature of Alabama:*

Section 1. The house of representatives of the legislature of Alabama shall consist of 106 members distributed among the several counties and representative districts as constituted herein, as follows:

DISTRICT	COUNTY OR COUNTIES	REPRESENTATIVES
#1	Blount	1
#2	St. Clair	1
#3	Lawrence	1
#4	Dale	1
#5	Butler	1
#6	Marion and Winston	1
#7	Covington	1
#8	Coosa, Clay and Cleburne	1
#9	Marshall	2
#10	Morgan	2
#11	Lauderdale	2
#12	Houston	2
#13	Talladega	2
#14	Lee	2
#15	Randolph and Chambers	2
#16	Colbert and Franklin	2
#17	Pickens, Greene and Hale	2
#18	Tuscaloosa	3
#19	Calhoun	3
#20	Etowah	3
#21	Jackson	1
#22	Macon, Elmore and Tallapoosa	3
#23	Henry, Barbour and Russell	3
#24	Bullock, Pike, Coffee and Geneva	3
#25	Baldwin	2
#26	Lowndes and Crenshaw	1
#27	Marengo	1
#28	Wilcox, Monroe and Conecuh	2
#29	Dallas	2
#30	Cullman and Walker	3
#31	Shelby, Chilton and Autauga	3
#32	Madison	4
#33	Montgomery	5
#34	Mobile	9
#35	Jefferson	20

#36	DeKalb and Cherokee	2
#37	Bibb and Perry	1
#38	Choctaw, Washington & Sumter	2
#39	Escambia	1
#40	Clarke	1
#41	Limestone	1
#42	Fayette and Lamar	1

Representatives shall be elected at large by the electors of the whole district. Each place to be filled shall be numbered and each candidate for office shall designate in the announcement of his candidacy the number of the place for which he is a candidate. No person shall be a candidate for more than one place at the same time. Provided, that in Districts 15, 16, 17, 22, 23, 28, 31 and 38 the representatives shall be elected at large by the electors of the whole district but no two representatives elected in the district shall be residents of the same county; provided further that in District #30 no more than 2 representatives shall be residents of the same county. In District #15, place number one shall be filled by a resident of Chambers County and place number two by a resident of Randolph County; in District #16, place number one shall be filled by a resident of Colbert County and place number two by a resident of Franklin County; in district #22, place number one shall be filled by a resident of Macon County, place number two shall be filled by a resident of Elmore County; and place number three shall be filled by a resident of Tallapoosa County; in District #31, place number one shall be filled by a resident of Shelby County, place number two by a resident of Chilton County, and place number three by a resident of Autauga County; in District #30, place number one shall be filled by a resident of Cullman County, place number two shall be filled by a resident of Walker County, and place number three may be filled by a resident of either Cullman or Walker County.

Section 2. Code of Alabama 1940, Title 32, Section 1, and all other laws or parts of laws in conflict with this Act are hereby repealed.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Approved September 24, 1965.

Time: 10:08 A. M.

Act No. 49

H. 216—Goodwyn, Pierce

## AN ACT

To alter, rearrange and extend the boundaries of the City of Montgomery, so as to include within the corporate limits thereof certain additional territory in Sections 1, 10, 11, 12, 13, 14, 15, 22, 23, 26, 27, 28, 34 and 35, Township 16 North, Range 18 East, Montgomery County, Alabama.

*Be It Enacted by the Legislature of Alabama:*

Section 1. That the boundaries of the City of Montgomery, in Montgomery County, Alabama, be and the same are hereby altered, rearranged and extended so as to include within the corporate limits of said City certain additional territory lying within the following described boundaries, to-wit:

Beginning at a point on the half section line running north and south through the center of section 34, T16N, R18E, said point lying 450 feet south of the center line of the right of way of the Southern By-Pass Highway (U.S. 82) and said point lying on the present city limits of the City of Montgomery, Ala., thence easterly and parallel with the center line of said Southern By-Pass (U.S. 82) to Station 849+69.0, F.A.P. Route 11 (Spur) = Station 304+31, U. S. 82 according to State of Alabama Highway Department Right of Way Map, Project Number F-352(12) F.A.P. Route 11 (Spur) U. S. Route 231 to South By-Pass, Montgomery County, Sheet 1 of 1, dated October 1961, Revised January 1962 and May 1962 and on file in the office of the Judge of Probate, Montgomery Co., Ala., thence S 89°-48'-26" E parallel with and 450 feet south of the center line of said Project to P. T. Station 831+48.99, thence along the arc of a 3724.04 ft. radius curve, parallel with the center line of the right of way of said Project to the south line of Section 26, T16N, R18E, thence west along the south line of said Sec. 26, to the half section line running north and south through the center of said Sec. 26, thence north along said half section line to the south line of the Plat of the Map of Green Acres, Plat No. 1, as the same is filed for record in the office of the Judge of Probate, Montgomery Co., Ala., in Plat Book 13, Page 163, thence west along the south line of said Plat of Green Acres to the southwest corner thereof, thence north along the west line of said Plat of Green Acres to the south line of the Vaughn Road, thence south-easterly along the south line of Vaughn Road to the center line running north and south through Sec. 23, T16N, R18E, thence north along said half section line to the south line of Sec. 14, T16N, R18E, thence west along the south line of said Sec. 14 to the west line of said Sec. 14, thence north along the west line of Sec. 14 to the half section line running

east and west through the center of Sec. 14, thence east along said half section line to the southwest corner of the East  $\frac{1}{2}$  of the NW  $\frac{1}{4}$  of Sec. 14, thence north along the west line of the East  $\frac{1}{2}$  of the NW  $\frac{1}{4}$  of Sec. 14 to the south line of Sec. 11, T16N, R18E, thence north along the west line of the East  $\frac{1}{2}$  of the SW  $\frac{1}{4}$  of Sec. 11 to the south line of U. S. Highway No. 80, thence east along the south line of U. S. Highway No. 80 to the east line of the East  $\frac{1}{2}$  of SW  $\frac{1}{4}$  of said Sec. 11, thence south along the east line of the East  $\frac{1}{2}$  of the SW  $\frac{1}{4}$  of Sec. 11 to the north line of Sec. 14, T16N, R18E, thence east along the north line of said Sec. 14 to the west line of The Map of Colonial Heights, as the same is filed for record in the office of the Judge of Probate, Montgomery Co., Ala., in Plat Book 8, Page 68; thence north along the west line of said Map of Colonial Heights a distance of 1551 feet, thence east along the north line of said Map of Colonial Heights to the west line of the East  $\frac{1}{2}$  of the East  $\frac{1}{2}$  of Section 11, T16N, R18E, thence north along the west line of the East  $\frac{1}{2}$  of the East  $\frac{1}{2}$  of Section 11 to the south line of U. S. Highway No. 80; to a point 100' east of the west line of lot 6 of said Map of Colonial Heights; thence south and parallel with the west line of lot 6 to the north line of lot 13; thence west along the north line of lot 13 to the west line of lot 13; thence South along the west line of lot 13 to the south line of said lot 13; thence east along the south line of lot 13 to the southeast corner of said lot 13; thence in a northeasterly direction through lot 12 of said plat to a point on the north line of said lot 12; said point being 50' east of the northwest corner of lot 12; thence north and parallel with the west line of lot 10, of said plat of Colonial Heights to the north line of said lot 10; thence east along the north line of lot 10 to the southeast corner of lot 4 of said plat; thence in a northwesterly direction through said lot 4 to the south line of U. S. Highway No. 80, said point being 36' west of the northeast corner of said lot No. 4; thence east along the south line of U. S. Highway No. 80 to the east line of said Map of Colonial Heights; thence east along the south line of U. S. Highway No. 80 to the east line of said Map of Colonial Heights; thence southerly along the east line of said Map of Colonial Heights to the south line of Section 12, T16N, R18E, thence west along the south line of Section 12 to the southwest corner of said Sec. 12, thence south along the east line of Section 14, T16N, R18E to the half section line running east and west through the center of Sec. 14, thence west along said half section line to the east line of the west  $\frac{1}{2}$  of the SE  $\frac{1}{4}$  of Sec. 14, thence south along the east line of the West  $\frac{1}{2}$  of the SE  $\frac{1}{4}$ , Sec. 14, to the south line of said Sec. 14, thence east along the

south line of Sec. 14 to the northwest corner of Sec. 24, T16N, R18E, thence east along the north line of said Sec. 24 to a point lying 450 feet east of, measured perpendicular to the center line of aforesaid Project Number F-352 (12) F.A.P. Route 11 (Spur) thence N 25°-27'-09" E parallel with the center line of said project to the north line of F.A.I. 85 (Interstate 85) Highway and the south line of the Holiday Inn Property, thence easterly along the south line of said Holiday Inn Property and the north line of Interstate 85 a distance of 202.48 feet to a point 650 feet east of, measured perpendicular to, the center line of the right of way of Project F-352(12), thence northeasterly and parallel with the center line of Project F-352(12) to the north line of the Holiday Inn Property, thence northwesterly along the north line of said property to a point being 450 ft. east of, measured perpendicular to the center line of the right of way of said Project F-352(12), thence northerly, parallel with and 450 ft. east of, measured perpendicular to the center line of the right of way of said Project F-352(12) to the south line of the Seaboard Air Line Railroad, thence northwesterly along the south line of said railroad to the south line of the Wares Ferry Road, thence southwesterly along the south line of the Wares Ferry Road to a point on the half section line running north and south through Section 11, T16N, R18E, thence north along said half section line to the north line of Section 11, T16N, R18E, thence west along the north line of said Section 11 to the northwest corner of said Section 11, said point also being a common corner of the northeast corner of Section 10, T16N, R18E, thence continuing west along the north line of Section 10, T16N, R18E to the northeast corner of the Plat of Hilltop Terrace as the same appears of record in the office of the Judge of Probate of Montgomery Co., Ala. in Plat Book 16, at Page 176; thence south along said Plat of Hilltop Terrace a distance of 290 feet, thence west a distance of 230 feet, thence south a distance of 390 feet to the north line of Wares Ferry Road, thence westerly along the north line of Wares Ferry Road to the half section line running north and south through Section 10, T16N, R18E, thence south along said half section line to the north line of U. S. Highway 80; Thence southeasterly along the north line of U.S. Highway 80 to the northern extension of the west line of Perry Hill Road, thence south along the northern extension of the west line and the west line of Perry Hill Road to a point 120.1 feet more or less south of the south line of U. S. Highway 80; thence S 77°-06' E a distance of 17.0 ft. more or less to a point; thence north and parallel with the center line of Perry Hill Road to the south line of U. S. Highway 80, thence southeasterly along U. S. Highway 80 and the

curvature thereof to the east line of the west half of the southwest  $\frac{1}{4}$  of Section 11, T16N, R18E; thence S  $05^{\circ}-52'$  E along the east line of the west half of the southwest  $\frac{1}{4}$  of said Section 11, a distance of 2551.34 feet to the south line of the southwest  $\frac{1}{4}$  of said Section 11, thence S  $84^{\circ}-21'$  W along the south line of the southwest  $\frac{1}{4}$  of said Section 11 a distance of 1321.49 ft. to the southwest corner of the southwest  $\frac{1}{4}$  of Sec. 11, T16N, R18E, said point also being a common corner of the southeast  $\frac{1}{4}$  of Sec. 10, T16N, T18E; thence N  $06^{\circ}-11'$  W along the west line of the southwest  $\frac{1}{4}$  of Section 11, T16N, R18E, to a point 920.2 ft. south of the south line of U. S. Highway 80; thence S  $85^{\circ}-51'$  W a distance of 855 feet to a point (stone) thence N  $86^{\circ}-07'$  W to the west line of Perry Hill Road, thence south along the west line of Perry Hill Road and along the curvature thereof to a point on the westerly extension of the south line of the Plat of Goodwyn Heights Addition as the same appears of record in the office of the Judge of Probate of Montgomery Co., Ala. in Plat Book 8, at Page 65; thence east along the westerly extension and the south line of the Plat of Goodwyn Heights Addition to the east line of Section 15, T16N, R18E; thence south along the east line of said Section 15 to the southeast corner of the northeast  $\frac{1}{4}$  of said Section 15; thence west along the south line of the northeast  $\frac{1}{4}$  of said Section 15 to the west line of Perry Hill Road, thence south along the west line of Perry Hill Road and along the curvature thereof to the north line of the Vaughn Road, thence west along the north line of the Vaughn Road and along the curvature thereof to a point 3082.1 ft. east of the west line of Section 22, T16N, R18E; thence north and parallel with the west line of said Section 22 to the north line of said Section 22; thence west along the north line of said Section 22 to the northeast corner of Lot 2, according to the Correction Map of the Hill Lands as the same appears of record in the office of the Judge of Probate of Montgomery Co., Ala. in Plat Book 14, at Page 62; thence south along the east line of said Lot 2, to the north line of the Vaughn Road, thence west along the north line of the Vaughn Road a distance of 7.3 feet; thence south and parallel with the west line of Sections 22 and 27, T16N, R18E, to a point 463.54 feet west of the east line of the northwest  $\frac{1}{4}$  of Section 27, T16N, R18E, and 660 feet south of the north line of the northwest  $\frac{1}{4}$  of said Section 27; thence west and parallel with the north line of the northwest  $\frac{1}{4}$  of said Section 27, and NE  $\frac{1}{4}$  of Sec. 28, T16N, R18E to the east line of Carter Hill Road, thence south along the east line of Carter Hill Road to the north line of the Troy Highway (U. S. 231); thence east along the north line of the Troy Highway (U. S. 231) to

its point of intersection with the half section line running east and west through Section 27, T16N, R18E, thence east along said half section line to the half section line running north and south through said Section 27; thence south along said half section line to the southwesterly line of the Troy Highway; thence southeasterly along the southwesterly line of the Troy Highway to Station 18+32.85 as shown on said State of Alabama Highway Dept. Right of Way Map, Proj. No. F-352 (12), thence southwesterly 97 ft. more or less along the relocated line of the Troy Highway as shown on said project; thence southeasterly along the southwest line of the Troy Highway to Station 13+30; thence southwesterly along said right of way line to Station 837+35 being the north line of U. S. Highway 82 and the north line of F.A.P. Route 11 (Spur) as shown on said project, thence west along the north line of said Highway to the half section line running north and south through Section 34, T16N, R18E, thence south along said half section line to a point 450 feet south of the center line of the right of way of the Southern By-Pass Highway (U. S. Highway 82), the point of beginning.

Section 2. That this Act shall become effective upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved September 24, 1965.

Time: 10:10 A. M.

Act No. 50

H. 156—Goodwyn

### AN ACT

To amend Section 28, Title 29, Code of Alabama 1940, in relation to graduated license fees for retailers of malt or brewed beverages.

#### *Be It Enacted by the Legislature of Alabama:*

Section 1. Section 28 of Title 29, Code of Alabama 1940 is hereby amended to read as follows:

“Section 28. Any retail dispenser may be granted licenses to maintain, operate or conduct any number of places for the sale of malt or brewed beverages, but a separate license must be secured for each place where malt or brewed beverages are sold. Provided, there shall be no licenses issued by the board for the sale of alcoholic beverages, by rolling stores. Any retail dispenser may be granted license to maintain, operate or conduct any number of places for the sale of malt or brewed beverages.

“No person shall possess or be issued more than one distributors’ or wholesalers’ license. No distributor or wholesaler

shall maintain or operate any place where sales are made other than that for which the license is granted. No distributor or wholesaler shall maintain any place for the storage of malt or brewed beverages unless the same has been approved by the board. No distributor's or wholesaler's license shall be issued for any premises in any part of which there is operated any retail license for the sale of liquor, vinous or malt or brewed beverages.

"Licenses shall be granted by the board only to reputable individuals, or to associations, partnerships and corporations whose members or officers and directors are reputable individuals."

Section 2. This Act shall become effective on October 1, 1966.

Approved September 24, 1965.

Time: 10:45 A. M.

Act No. 51

H. 150—Salter, Edwards (Escambia)

### AN ACT

To redivide the State into judicial circuits so as to create the Thirty-fifth Judicial Circuit, and to provide for a judge and solicitor of the newly created circuit.

*Be It Enacted by the Legislature of Alabama:*

Section 1. The State of Alabama is divided into judicial circuits for the circuit courts, numbered and composed of the counties as follows: First Circuit—Choctaw, Clarke and Washington; Second Circuit—Butler, Crenshaw and Lowndes; Third Circuit—Barbour and Bullock; Fourth Circuit—Bibb, Dallas, Hale, Perry and Wilcox; Fifth Circuit—Chambers, Lee, Macon, Randolph and Tallapoosa; Sixth Circuit—Tuscaloosa; Seventh Circuit—Calhoun and Cleburne; Eighth Circuit—Lawrence, Limestone and Morgan; Ninth Circuit—Cherokee, DeKalb and Jackson; Tenth Circuit—Jefferson; Eleventh Circuit—Lauderdale; Twelfth Circuit—Coffee and Pike; Thirteenth Circuit—Mobile; Fourteenth Circuit—Walker; Fifteenth Circuit—Montgomery; Sixteenth Circuit—Etowah; Seventeenth Circuit—Marengo, Greene and Sumter; Eighteenth Circuit, Clay, Coosa and Shelby; Nineteenth Circuit—Autauga, Chilton and Elmore; Twentieth Circuit—Henry and Houston; Twenty-first Circuit—Escambia; Twenty-second Circuit—Covington; Twenty-third Circuit—Madison; Twenty-fourth Circuit—Fayette, Lamar and Pickens; Twenty-fifth Circuit—Marion and Winston; Twenty-sixth Circuit—Russell; Twenty-seventh Circuit—Marshall; Twenty-eighth



Circuit—Baldwin; Twenty-ninth Circuit—Talladega; Thirtieth Circuit—Blount and St. Clair; Thirty-first Circuit—Colbert; Thirty-second Circuit—Cullman; Thirty-third Circuit—Dale and Geneva; Thirty-fourth Circuit—Franklin; and Thirty-fifth Circuit—Conecuh and Monroe.

Section 2. A judge shall be elected for the Thirty-fifth Judicial Circuit at the next general election for any state officer for a term to expire at the next general election for circuit judges. The Governor shall appoint a qualified person to hold the office of judge until such election. A solicitor for the Thirty-fifth Judicial Circuit shall be elected by the qualified electors of the counties composing the circuit at the next general election of circuit solicitors in this State as prescribed by law, and every four years thereafter. The vacancy existing in the office when this Act takes effect shall be filled by appointment by the Governor for a term to expire on the first Monday after the second Tuesday in January following the next general election of circuit solicitors.

Section 3. This Act shall become effective immediately upon its enactment.

Approved September 24, 1965.

Time: 5:25 P. M.

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Act No. 52

H. 246—Brewer

### AN ACT

Relating to counties having a population of not less than 57,000 nor more than 61,000 according to the last or any subsequent federal decennial census; further providing for the procedure for redeeming lands sold for taxes in such counties; transferring certain duties of the Probate Judge to the Tax Collector; relieving the Probate Judge of such duties; and repealing conflicting Acts.

*Be It Enacted by the Legislature of Alabama:*

Section 1. In all counties having a population of not less than 57,000 nor more than 61,000 according to the last or any subsequent federal decennial census the procedure for redeeming lands sold for taxes in such counties shall be the same as provided in Article 5, Chapter 14, Title 51, Code of Alabama 1940, as amended, except that all such duties as are required of and performed by the Probate Judge shall be transferred to and be performed by the Tax Collector of said county and the Probate Judge shall be relieved of all such duties.

Section 2. The provisions of this Act are severable; if any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. This Act shall become effective on its passage and approval by the Governor or otherwise its becoming a law.

Approved September 27, 1965.

Time: 3:15 P. M.

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Act No. 53

H. 247—Brewer

### AN ACT

Relating to counties having a population of not less than 57,000 nor more than 61,000 according to the last or any subsequent federal decennial census; further providing for the sale of licenses, boat tags, transfers and replacements for the department of conservation in such counties, transferring certain duties of the probate judge to the commissioner of licenses; relieving the probate judge of such duties; and repealing conflicting Acts.

#### *Be It Enacted by the Legislature of Alabama:*

Section 1. In all counties having a population of not less than 57,000 nor more than 61,000 according to the last or any subsequent federal decennial census, the commissioner of licenses shall perform all duties relative to the sale of licenses for the department of conservation, including hunting, fishing, fur catchers, and all other licenses which have heretofore been sold by the judge of probate. Said commissioner of licenses shall charge the same fees and collect the same commissions and make the same remittances as are now being done by the probate judge of the county, and the probate judge of the county is relieved of all duties in reference to the issuance and sale of hunting and fishing licenses and all other licenses now being issued by the probate judge for the department of conservation.

Section 2. The commissioner of licenses shall also perform all duties relative to the sale, transferring and replacement of boat tags for the department of conservation, which duties have heretofore been performed by the probate judge, and the probate judge is relieved of all duties in reference to the issuance and sale of boat tags.

Section 3. The commissioner of licenses shall receive the same fees charged by the probate judge for rendering said services and said fees shall be paid into the general fund of the county on or before the 10th day of each month.

Section 4. The provisions of this Act are severable. If

any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this Act are repealed.

Section 6. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 27, 1965.

Time: 3:16 P. M.

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Act No. 54

H. 135—Collins (Mobile), Engel, Downing,  
McDermott, Hogan, Edington

### AN ACT

Relating to state revenue; exempting from the sales tax levied by Section 2 (b), Act No. 100, Second Special Session 1959, the gross proceeds from sales of admissions to certain educational and cultural concerts and productions; making such Act retroactive.

*Be It Enacted by the Legislature of Alabama:*

Section 1. There shall be exempt from the sales tax levied by Section 2 (b), Act No. 100, Second Special Session 1959, the gross proceeds from sales of admissions to any theatrical production, symphonic or other orchestral concert, ballet or opera production when such concert or production is presented by any society, association, guild, or workshop group, organized within this state, whose members or some of whose members regularly and actively participate in such concerts or productions for the purposes of providing a creative outlet for the cultural and educational interests of such members, and of promoting such interests for the betterment of the community by presenting such productions to the general public for an admission charge.

Section 2. The employment of a paid director or conductor to assist in any such presentation as described in this Act shall not be construed to prohibit the exemptions herein provided.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this Act are repealed.

Section 5. The provisions of this Act shall be retroactive to October 1, 1959.

Approved September 27, 1965.

Time: 3:20 P. M.

Act No. 55

H. 155—Goodwyn, Pierce

### AN ACT

To provide that the board of Revenue, or like governing body now existing or that may be hereafter created in all Counties of Alabama, having a population of not less than 160,000 nor more than 250,000 inhabitants according to the 1960 Federal Census or any subsequent regular decennial Federal Census pay to the Recorder of the Recorder's Court of all cities located in said County or counties for ex officio services rendered by the Recorder in the trial of cases in the Recorder's Court wherein there is charged a violation of the laws of Alabama a sum not exceeding Two Thousand Seven Hundred and NO/100 (2,700.00) Dollars per annum, payable in twelve (12) equal monthly installments out of the County Treasury, and providing further for the payment to the designated Prosecuting Attorney of the Recorder's Court located in said County or counties for ex officio services rendered by him in the prosecution of cases in Recorder's Court wherein there is charged a violation of the laws of Alabama a sum not exceeding Eighteen Hundred and NO/100 (1,800.00) Dollars per annum, payable in twelve (12) equal monthly installments out of the County Treasury.

*Be It Enacted by the Legislature of Alabama:*

Section 1. That the Board of Revenue, or like governing body now existing or that may be hereafter created in all Counties of Alabama, having a population of not less than 160,000 nor more than 250,000 inhabitants, according to the 1960 Federal Census or any subsequent regular decennial Federal Census, shall pay to the Recorder of the Recorder's Court of all cities located in said County or counties, for ex officio services rendered by the Recorder in said county or counties in the trial of cases in Recorder's Court wherein there is charged a violation of the laws of Alabama a sum of Two Thousand Seven Hundred and NO/100 (2,700.00) Dollars per annum, payable in twelve (12) equal monthly installments out of the County Treasury.

Section 2. That the Board of Revenue, or like governing body now existing or that may be hereafter created in all Counties of Alabama, having a population of not less than 160,000 nor more than 250,000 inhabitants according to the 1960 Federal Census or any subsequent regular decennial Federal Census shall pay to the Prosecutor of the Recorder's Court of all cities located in said counties for ex officio services rendered by the prosecutor in said County or Counties,

in the trial of cases in Recorder's Court wherein there is charged a violation of the laws of Alabama a sum of Eighteen Hundred and NO/100 (1,800.00) Dollars per annum, payable in twelve (12) equal monthly installments out of the County Treasury.

Section 3. All laws or parts of laws in conflict with this Act are hereby repealed.

Section 4. This Act shall take effect immediately upon its passage and approval by the Governor.

Approved September 30, 1965.

Time: 1:00 P. M.

Act No. 56

H. 162—Goodwyn

### AN ACT

To amend Act No. 148, Legislature of 1951 in Regular Session, approved June 29, 1951, relating to taxation; providing further for deductions in computing net income for income tax purposes.

#### *Be It Enacted by the Legislature of Alabama:*

Section 1. Section 1, Act No. 148, Legislature of 1951 in Regular Session, approved June 29, 1951, is hereby amended to read as follows:

"Section 1. In computing net income for income tax purposes as provided in Chapter 17, Title 51, Code of Alabama (1940), the taxpayer shall be allowed to deduct from his gross income cash contributions and gifts of cash or real property made within the taxable year to the State of Alabama, or any county, municipality, or other political subdivision thereof, for exclusively public purposes. The deduction for gifts of real property shall be the fair and reasonable market value thereof, on the day such gift is made, to be determined in accordance with rules and regulations adopted by the Commissioner of Revenue."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 30, 1965.

Time: 1:05 P. M.

Act No. 57

H. 163—Goodwyn

## AN ACT

Relating to taxation; exempting herbicides from the state sales and use taxes.

*Be It Enacted by the Legislature of Alabama:*

Section 1. The gross proceeds of sales of herbicides for agricultural uses by whomsoever sold shall be exempted from the computation of the amount of the tax levied, assessed or payable under the provisions of the state's sales tax statutes (Act No. 100, 2d Special Session 1959, as amended) and the storage, use or other consumption of herbicides for agricultural uses by whomsoever sold shall be exempted from the use tax levied by Title 51, Chapter 20, Article 11, Code of Alabama, 1940, as amended. The term herbicides as used in this act means any substance or mixture of substances intended to prevent, destroy, repel, or retard the growth of weeds or plants. It shall include pre-emergence herbicides, post-emergence herbicides, law-by herbicides, pasture herbicides, defoliant herbicides, and dessicant herbicides.

Section 2. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are repealed.

Section 4. This act shall become effective October 1, 1965.

Approved September 30, 1965.

Time: 1:10 P. M.

Act No. 58

H. 160—Goodwyn

## AN ACT

To levy an excise tax on the storage, use or other consumption in this state of certain tangible personal property purchased at retail, in lieu of the state use tax levied by Code 1940, Title 51, Section 788, as amended, and to provide for the enforcement and collection of such tax.

*Be It Enacted by the Legislature of Alabama:*

Section 1. There is hereby levied and imposed an excise tax on the storage, use or other consumption in this state of any machine, machinery, or equipment, either that which is self-propelled or otherwise propelled or drawn and which is used in planting, cultivating, and harvesting farm products,

or used in connection with the production of agricultural produce or products, livestock, or poultry, on farms, and the parts of such machines, machinery, or equipment, attachments and replacements thereof which are made or manufactured for use on or in the operation of such machine, machinery, or equipment, and which are necessary to and customarily used in the operation of such machine, machinery, or equipment, which is purchased at retail after the effective date of this Act, for storage, use or other consumption in this state, at the rate of one and one-half percent of the sales price of such property, regardless of whether the retailer is or is not engaged in business in this state. Where any used machine, machinery, or equipment, either that which is self-propelled or otherwise propelled or drawn and which is used in planting, cultivating, and harvesting farm products, or used in connection with the production of agricultural produce of products, livestock, and poultry on farms is taken in trade or in a series of trades as a credit or part payment on a sale of a new or used machine, machinery, or equipment, the tax levied herein shall be paid on the net difference, that is, the price of the new or used machine, machinery or equipment sold, less the credit for the used machine, machinery, or equipment taken in trade. The tax herein levied and imposed shall be in lieu of the excise tax levied and imposed by Section 788, Title 51, Code 1940, as amended.

Every person storing, using or otherwise consuming in this state such tangible personal property purchased at retail shall be liable for the tax imposed by this Act, and the liability shall not be extinguished until the tax has been paid to this state; provided, however, that a receipt from a retailer maintaining a place of business in this state or a retailer authorized by the department of revenue, under such rules and regulations as the commissioner of revenue may prescribe, to collect the tax imposed hereby and who shall for the purpose of this Act be regarded as a retailer maintaining a place of business in this state, given to the purchaser in accordance with the provisions of Section 791 of Title 51, Code 1940, as amended, shall be sufficient to relieve the purchaser from further liability for a tax to which such receipt may refer.

Section 2. This Act shall be enforced by the commissioner of revenue and state department of revenue in the same way, and subject to the same rules and regulations as the state use tax is enforced as provided in Article 11 of Chapter 20, Title 51, Code of Alabama 1940, as amended; and the administrative and enforcement provisions of said Article 11 of Chapter 20, Title 51, shall be applicable to the enforcement of this Act

to the same extent as in the collection and enforcement of the state use tax.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. This act shall become effective October 1, 1966.

Section 5. This act shall not affect rights that accrued, liabilities that were incurred, or proceedings that were commenced before its effective date.

Approved September 30, 1965.

Time: 1:15 P. M.

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Act No. 59

H. 161—Goodwyn

### AN ACT

To amend Section 122, as amended, Title 51, Code of Alabama 1940, relative to the appointment of assistant counsel for the State Department of Revenue.

*Be It Enacted by the Legislature of Alabama:*

Section 1. Section 122, as amended, Title 51, Code of Alabama 1940, is further amended so as to read as follows:

Section 122. Assistant counsel. The commissioner of revenue with the approval of the attorney general, shall be authorized, subject to the provisions of the merit system law, to appoint not more than seven assistant counsel as may be necessary to transact the legal business of the department of revenue. Each such assistant counsel shall be at least twenty-five year of age; shall have the other qualifications and duties of the legal counsel; shall be commissioned as an assistant attorney general and take the oath required of other assistant attorneys general; and shall have the authority and duties of an assistant attorney general.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 30, 1965.

Time: 1:20 P. M.

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Act No. 60

H. 218—Goodwyn

### AN ACT

To levy and provide for the collection of a tax in the amount of



one dollar upon each criminal and quasi criminal case docketed in every court in the State of Alabama, with certain enumerated exceptions as to courts and cases; to appropriate the funds derived from said tax for the purpose of paying fees of counsel, court reporters, and clerks, and other expenses in certain cases wherein the accused is indigent.

*Be It Enacted by the Legislature of Alabama:*

Section 1. In addition to all other taxes there is hereby levied and imposed a tax in the amount of one dollar, to be called the "fair trial tax," upon each and every criminal or quasi criminal case docketed in any court created by authority of the Constitution or other laws of the State of Alabama. Such tax shall be assessed by the clerk of the court, or by the judge of such court if there be no clerk, as costs in each case and shall be charged and collected as other costs are charged and collected.

Section 2. Expressly excepted from the provisions hereof are:

1. Cases docketed in the Supreme Court;
2. Cases docketed in the Court of Appeals;
3. Cases in the mayor's, recorders, or municipal courts wherein the offense charged is the violation of an ordinance of the city or town; but not cases in such courts where the offense charged is a violation of State law.

Section 3. When collected, the clerk of the court, or the judge if there be no clerk, shall remit said receipts monthly to the State Treasury to be paid into a fund to be called the "fair trial tax fund."

Section 4. There is hereby appropriated from such fund, annually, such amount as may be necessary to pay the fees of counsel, court reporters, clerks, and such other necessary expenses accruing under the provisions of Acts No. 525 and No. 526, Acts 1963, wherein defendant is indigent.

Section 5. Expenditures from said fund shall be subject to the control and approval of the Governor. The Governor, in his discretion, may limit the payment of said expenses incurred in one county or judicial circuit to revenues collected within such county or judicial circuit. He may also, by order, prohibit the expenditure of funds outside of the county or judicial circuit wherein such funds are derived.

Section 6. Any unexpended and unincumbered balance remaining in said fund at the close of the State fiscal year shall be paid into the general fund of the State.

Section 7. This act shall become effective upon its passage

and approval by the Governor, or upon its otherwise becoming a law.

Approved September 30, 1965.

Time: 1:25 P. M.

Act No. 61

H. 151—Goodwyn, Pierce, Little, Goldthwaite

### AN ACT

To provide an appropriation of funds which are available to the Division of Employment Security of the Alabama Department of Industrial Relations out of funds credited to this State's account in the Unemployment Trust Fund by the Secretary of the Treasury of the United States of America, pursuant to Section 903 of the Social Security Act, as amended, for the purpose of acquiring land or lands adjoining or adjacent to the Alabama Department of Industrial Relations Building located on the north side of Monroe Street in the City of Montgomery, Alabama, said land or lands to be used for automobile parking purposes by employees of the Division of Employment Security of said Department of Industrial Relations, or for erecting a building as an addition to the present Industrial Relations Building.

#### *Be It Enacted by the Legislature of Alabama:*

Section 1. There is hereby appropriated to the Department of Industrial Relations out of the monies credited to this State's account in the Unemployment Trust Fund, by the Secretary of the Treasury of the United States of America, pursuant to Section 903 of the Social Security Act, as amended, the sum of Three Hundred Fifty Thousand Dollars (\$350,000.00), or so much thereof as may be necessary, to be used under the direction of the Director of Industrial Relations for the purpose of acquiring land or lands adjoining or adjacent to the Alabama Department of Industrial Relations Building located on the north side of Monroe Street in the City of Montgomery, Alabama, said land to be used for automobile parking purposes for and by employees of the said Division of Employment Security of the said Department of Industrial Relations, or for erecting a building as an addition to the present Industrial Relations Building.

Section 2. No part of the money hereby appropriated may be expended after the expiration of the 2-year period beginning on the date of enactment of this Act. Money requisitioned pursuant to this Act shall, until expended, remain a part of the Unemployment Trust Fund. Any unexpended balance shall revert to this State's account in the Unemployment Trust Fund at the close of such 2-year period, or at such earlier date as is practicable.

Section 3. The amount obligated pursuant to this Act during any 12-month period beginning on a July 1st and ending

on the next June 30th, shall not exceed the amount by which (a) the aggregate of the amounts credited to the account of this State pursuant to Section 903 of the Social Security Act during such 12-month period and the nine preceding 12-month periods exceeds (b) the aggregate of the amounts obligated for administration and paid out for benefits and charged against the amounts credited to the account of this State during such ten 12-month periods.

Section 4. The provisions of Paragraph B (3) of Section 199 of Title 26, Code of Alabama 1940, as amended, in conflict with this Act are hereby repealed.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor or its otherwise becoming law.

Approved September 30, 1965.

Time: 1:30 P. M.

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Act No. 62

H. 32—Jones (Covington)

### AN ACT

Relating to the Twenty Second Judicial Circuit; to further provide for a Special Circuit Court Fund and for the payment therefrom of attorneys fees of attorneys appointed to represent indigent defendants; and authorizing the County Treasurer to pay said claims when verified and approved by the Circuit Judge of such circuit.

#### *Be It Enacted by the Legislature of Alabama:*

Section 1. The proceeds of the sale of any conveyance, vehicle of any kind, or animal or harness, or any other contraband, or item, which is forfeited and condemned after seizure in prohibition law enforcement in the Twenty Second Judicial Circuit after payment of expenses in the cause as provided by law, shall be paid into a special fund of Covington County known as the Special Circuit Court Fund.

Section 2. The Treasurer of Covington County is hereby authorized to pay verified claims as funds are available from the Special Circuit Court Fund of attorneys that have been officially appointed by the Circuit Judge of the Twenty Second Judicial Circuit to represent indigent defendants, provided said claims have been first approved in writing by said Circuit Judge. The Treasurer shall pay said approved claims in the order in which they are filed and as monies become available in said Fund.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law on September 30, 1965 under Section 125 of the Constitution without approval by the Governor.

Act No. 63

H. 144—Rogers, Jones (Monroe)

### AN ACT

To amend Code of Alabama 1940, Title 47, Section 196, relating to partition proceedings in probate court.

*Be It Enacted by the Legislature of Alabama:*

Section 1. Code of Alabama 1940, Title 47, Section 196 is hereby amended to read as follows:

"Section 196. When it is necessary to make any persons defendant to a petition in the probate court filed for the partition of property or for a sale thereof because it cannot be equitably divided, and the names of all or any of such persons are unknown to the petitioner and cannot be ascertained on diligent inquiry, if the petitioner shall state in a petition, or in an affidavit thereto annexed, that the names of such persons are unknown, and that he has made diligent inquiry to ascertain the same, proceedings may be had against them without naming them; and the judge of probate must make publication as in case of non-resident defendants, describing such unknown parties as near as may be by the character in which they are sued, and with reference to their title or interest in the property sought to be partitioned or to be sold for division of the proceeds. Should petitioner, after exercising reasonable diligence be unable to locate the whereabouts, and to ascertain with certainty whether any defendant is alive at the time of the filing of the petition, the facts showing just what diligence the petitioner has exercised must be specifically alleged in the bill, and such defendant may then be made a party, by publication as in case of unknown defendants, in his name followed by the words: "\_\_\_\_\_ and his heirs or devisees, if deceased."

If the defendant so named does not appear in person or by attorney before expiration of the time for filing pleadings, the court shall appoint a guardian ad litem to represent his interest. The shares or interest of such parties in the proceeds of any such sale shall be paid in the court under such directions as may be ordered by the court, and shall there be retained and paid out to the proper parties when ascertained."

Section 2. This Act shall become effective immediately

upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 30, 1965.

Time: 10:40 P. M.

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Act No. 64

H. 182—Scurlock

### AN ACT

To provide an expense allowance for the solicitor of the Fourteenth Judicial Circuit of Alabama payable from the general funds of the county constituting such circuit.

*Be It Enacted by the Legislature of Alabama:*

Section 1. The solicitor of the Fourteenth Judicial Circuit of Alabama shall be entitled to an allowance for expenses in the amount of \$600.00 per annum, which shall be paid in equal monthly installments from the general funds of the county constituting such circuit.

Section 2. This Act is cumulative.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 30, 1965.

Time: 10:44 P. M.

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Act No. 65

S. 10—Allen, Oden

### AN ACT

To amend further Act No. 382, H. 834, approved September 9, 1955, an act authorizing the director of the highway department to issue special permits for movement of certain oversize vehicles on public highways (Acts 1955, p. 916).

*Be It Enacted by the Legislature of Alabama:*

Section 1 of Act No. 382, H. 834, approved September 9, 1955, an act authorizing the director of the highway department to issue special permits for movement of certain oversize vehicles over public highways (Acts 1955, p. 916), as amended, is amended further to read as follows:

“Section 1. The director of the highway department may issue special permits, without cost to the applicant therefor, for movement over the public highways of oversized vehicles manufactured, reconditioned, or repaired in this State when reason-

ably necessary for the delivery of such vehicles to the owners or purchasers thereof outside the State. Said permits shall be issued and may be renewed upon such terms and conditions, in the interest of public safety and the preservation of the highways, as the director of the highway department may in his discretion require; and he may designate the route over which such vehicles may be moved, and the hours of movement thereof. The operation of vehicles in accordance with the terms of such permit shall not constitute a violation of the provisions of Title 36 of the Code of Alabama (1940) relating to limitations on the size of vehicles, provided the operator of such vehicle shall have in his possession said permit, or a copy thereof authenticated as the director may require. Provided, that house trailers not exceeding a total outside width of twelve feet or an overall length, including the towing vehicle and house trailer, not exceeding seventy-five feet may be moved on any highway during the hours of daylight on any day of the week without a permit. For the purposes of this Act daylight shall be one-half hour before sunrise to one-half hour after sunset."

Approved September 30, 1965.

Time: 10:38 P.M.

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Act No. 66

H. 1—Grouby

### AN ACT

To legalize billiard playing by persons eighteen years of age or older in Autauga County.

*Be It Enacted by the Legislature of Alabama:*

Section 1. In Autauga County it shall be lawful for any person who has attained age eighteen or over to play billiards in a billiard room, whether such person be accompanied by a parent or guardian or not. The provisions of Code of Alabama 1940, Title 14, Section 245 or any other law in conflict with this Act are hereby repealed as to Autauga County.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 30, 1965.

Time: 10:25 P.M.

Act No. 67

H. 11—Davis

## AN ACT

To fix the compensation of election officers in Bibb County.

*Be It Enacted by the Legislature of Alabama:*

Section 1. The officers appointed to hold elections in Bibb County shall each be entitled to \$10 for each election, whether voting machines be used or not, and in addition, the returning officer shall be entitled to five cents a mile in going to the courthouse and returning to the place of holding the election. The claims of election officers shall be paid as preferred claims, out of any money in the county treasury not otherwise appropriated, on proper proof of service rendered. However, all amounts paid to election officers under this Act for per diem in excess of the amount prescribed by general laws shall not be reimbursable by the State of Alabama.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 30, 1965.

Time: 10:30 P. M.

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Act No. 68

H. 13—Albea

## AN ACT

To make an appropriation from the state treasury to the use of the bureau of publicity and information for certain purposes.

*Be It Enacted by the Legislature of Alabama:*

Section 1. The sum of \$785, or so much thereof as may be necessary, is hereby appropriated from any funds in the state treasury not otherwise appropriated, to the use of the bureau of publicity and information for the sole purpose of providing for the repair, renovation, or restoration of the trailer now in the custody of the state highway department on which there has been constructed a replica of the state capitol building. The appropriation herein made is conditional upon the condition of the treasury and the approval of the governor, and shall be released and paid out only upon orders of the governor.

Section 2. This Act shall become effective immediately

upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 30, 1965.

Time: 10:31 P. M.

Act No. 69

H. 20—Cantrell

### AN ACT

To extend, alter and rearrange the boundaries and corporate limits of the City of Tuscumbia so as to annex certain adjacent territory to the City of Tuscumbia.

*Be It Enacted by the Legislature of Alabama:*

Section 1. That the boundary lines and corporate limits of the City of Tuscumbia be and the same are hereby extended, altered and rearranged so as to include within the corporate limits of the City of Tuscumbia all of the following additional adjacent territory in Colbert County, Alabama, situated, to-wit:

A tract or parcel of land contiguous to the Westwardly boundary of the City of Tuscumbia, Colbert County, Alabama, lying and being in the NW $\frac{1}{4}$  of Section 17, Township 4 South, Range 11 West, more particularly described as beginning at a point on the present West boundary of said City where same intersects the North line of said Section 17; run thence West along the North line of said Section 17 to a point 100 feet Eastwardly from the East Right-of-way line of Frankfort Road; run thence Southwestwardly parallel to said Frankfort Road and forming an interior angle of 107 degrees 22 mins. (South 17 degrees 22 mins. West) for a distance of 155 feet to a point; run thence East 50 feet to a point; run thence South 17 degrees 22 mins. West 768.18 feet to a point; run thence South 45 degrees 00 mins. East 627.85 feet to the South line of the North  $\frac{1}{2}$  of said NW $\frac{1}{4}$ ; run thence East 654 feet along the South line of the North  $\frac{1}{2}$  of said NW $\frac{1}{4}$  654 feet to the North line of Tuscumbia By-Pass; run thence North 78 degrees 19 mins. East along the North line of said By-Pass to the existing West boundary of said City of Tuscumbia; run thence Northwardly along said present West boundary of said City to the point of beginning. Said property being all of Rolling Acres, a subdivision recorded in the Office of the Judge of Probate of said Colbert County, Alabama, in Map Book 4, at Page 122, which lies West of the present boundaries of the City of Tuscumbia.

Section 2. This Act shall take effect immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.



Approved September 30, 1965.

Time: 10:32 P. M.

Act No. 70

H. 87—Etheredge

AN ACT

Amend Section 2 of Act No. 207 of the First Special Session of the Legislature of Alabama of 1964, entitled "An Act to provide additional judges for the tenth judicial circuit of Alabama."

*Be It Enacted by the Legislature of Alabama:*

Section 1. That Section 2 of Act No. 207 of the first Special Session of the Legislature of Alabama of 1964 be amended so as to read as follows:

"Section 2. The circuit court judges provided for in this Act shall have and exercise all of the jurisdiction, powers, rights, and authority, shall possess all of the qualifications, shall perform all of the duties, and shall be subject to the pains, obligations and penalties that other circuit court judges may exercise, perform, or be subject to; and in addition thereto, such judges must possess all of the qualifications of the judges numbered one to four, inclusive, and six to eleven, inclusive, of the tenth judicial circuit, the first judge appointed under the provision of this Act shall occupy the judgeship numbered fourteen and the last judge appointed under the provisions of this Act shall occupy the judgeship numbered fifteen."

Approved September 30, 1965.

Time: 10:33 P. M.

Act No. 71

H. 181—Scurlock

AN ACT

To provide expense allowances for the circuit court judges of the Fourteenth Judicial Circuit of Alabama payable from the general funds of the county constituting such circuit.

*Be It Enacted by the Legislature of Alabama:*

Section 1. The circuit court judges of the Fourteenth Judicial Circuit of Alabama shall each be entitled to an allowance for expenses in the amount of \$800.00 per annum, which shall be paid in equal monthly installments from the general funds of the county constituting such circuit.

Section 2. This Act is cumulative.

Section 3. This Act shall become effective immediately

upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 30, 1965.

Time: 10:34 P. M.

Act No. 72

H. 209—Nabors

### AN ACT

Relating to counties having populations of not less than 96,000 nor more than 106,000, according to the most recent federal decennial census; further regulating the compensation and allowances of certain county officers.

*Be It Enacted by the Legislature of Alabama:*

Section 1. In all counties having populations of not less than 96,000 nor more than 106,000, according to the most recent federal decennial census, the clerk of the circuit court, the tax assessor, and the tax collector of every county to which this Act applies, shall be entitled to expenses in the amount of \$1,800.00 per annum, which shall be payable in equal monthly installments from the general funds of the county at the end of each month. The amount herein provided for is in addition to all other allowances and remuneration provided by law. This Section shall take effect on the first of the month next following the date of its enactment, however, it shall expire on the expiration of the terms of office of the aforesaid county officers, at which time all laws or parts of laws providing specific sums or amounts for expenses for such officers shall stand repealed. This repeal shall not apply, however, to general, local, or special laws providing in general terms for reimbursement of expenses incurred by such officers.

Section 2. This Act shall take effect on the first of the month next following the date of its enactment.

Approved September 30, 1965.

Time: 10:35 P. M.

Act No. 73

H. 222—Posey

### AN ACT

Providing further for the construction, maintenance and repair of roads and bridges in Winston County; relieving the state highway department of certain duties relative to such construction, maintenance and repair; transferring such duties to the county governing body of Winston County; providing for the transfer from the state highway department to the Winston County governing body of certain funds,

road equipment, machinery and supplies; providing for the assumption and retirement of outstanding debts incurred in the construction, maintenance and repair of Winston County roads and bridges; requiring roads and bridges of Winston County to be constructed, maintained and repaired on the basis of the county as a unit; providing for and requiring the appointment of a county engineer; repealing Act No. 111, H. 183, Regular Session 1957 (Acts 1957, p. 148) and other conflicting laws; providing that this Act shall become effective only if approved at a referendum election in Winston County.

*Be It Enacted by the Legislature of Alabama:*

Section 1. The court of county commissioners, board of revenue, or like governing body of Winston County shall be solely responsible for the construction, repair and maintenance of the roads and bridges in the county. Except as herein otherwise provided the county governing body shall have all the powers and jurisdiction with respect to county roads and bridges which are, or which hereafter may be, vested in or required of courts of county commissioners, boards of revenue, or other like county governing bodies by the general laws of this state, or vested in or required of the governing body of Winston County by local law; and the members of the county governing body of Winston County, except as herein otherwise provided, shall perform all the duties and services and shall exercise all the powers and authority with respect to the construction, repair and maintenance of county roads and bridges which are, or which hereafter may be, provided by law for members of courts of county commissioners, boards of revenue, or other like county governing bodies.

Section 2. When this Act becomes effective, any unexpended monies remaining in the fund required by law to be maintained by the state highway department for use in the construction, repair and maintenance of county roads and bridges in Winston County shall, except as may otherwise be provided by this Act, be paid over to the county governing body of Winston County. Thereafter, all funds and monies designated by law for use in the construction, repair and maintenance of county roads and bridges in Winston County to which Winston County may be entitled, whether from the proceeds of the state gasoline tax, the motor vehicle license tax, or other state tax, or any federal aid accruals, or from any other source whatsoever, shall be paid to the county governing body of Winston County by the appropriate county or state official.

Section 3. When this Act becomes effective, the state highway department shall transfer and turn over to the county governing body of Winston County road equipment, machinery and supplies of like kind and equal in value to the road equipment, machinery and supplies which Winston County was required to transfer and turn over to the state highway department

in accordance with Act No. 111, H. 183, Regular Session 1957 (Acts 1957, p. 148), which required the state highway department to construct, repair and maintain roads and bridges in Winston County.

Section 4. All persons employed by the state highway department in the construction, repair and maintenance of county roads and bridges in Winston County upon the adoption of this Act shall cease to be employees of the state highway department, shall no longer be subject to the State Merit System Law, and shall insofar as is practical continue to be employed by the county in the construction, repair and maintenance of county roads and bridges in the county, subject to the approval of the county governing body.

Section 5. Any contract for the construction, repair or maintenance of county roads and bridges in Winston County entered into by the state highway department prior to the adoption of this Act shall remain in full force and effect until the terms thereof have been complied with.

Section 6. All outstanding financial obligations which were incurred prior to the adoption of this Act for the construction, repair, or maintenance of county roads and bridges in Winston County shall, upon the adoption of this Act, become outstanding financial obligations of Winston County, and shall be retired or paid in accordance with the terms under which such indebtedness was incurred.

Section 7. After this Act becomes effective the roads and bridges of Winston County shall be constructed, repaired, and maintained on the basis of the county as a unit and without regard to district lines. No county personnel or equipment shall be allocated or used in construction, repair, and maintenance of county roads and bridges on any basis other than the county as a unit.

Section 8. The county governing body shall appoint a county engineer, who shall possess all the qualifications prescribed for county engineers by the general laws of Alabama and who shall perform all the duties thereby required of county engineers. The engineer's salary shall be fixed and be payable in the manner described in the general law for fixing and paying the salary of county engineers.

Section 9. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 10. Act No. 111, H. 183, Regular Session 1957 (Acts

of Alabama, 1957, p. 148), and all other laws or parts of laws in conflict with the provisions of this Act, are hereby repealed.

Section 11. The provisions of this Act shall become operative only if approved by a majority of the electors of Winston County, voting in a referendum to be held on the same day on which the first county-wide primary, general, or special election is held after this Act becomes law. The county governing body of Winston County shall order and provide for the holding of the referendum on such date. On the ballots to be used at the election the question shall be stated substantially as follows: "Shall the provisions of Act No. \_\_\_\_ of the 1965 Regular Session of the Legislature, approved the \_\_\_\_\_ day of \_\_\_\_\_, 1965, which provides for the transfer from the State Highway Department to the county governing body of Winston County of certain duties relative to the construction, maintenance and repair of roads and bridges in Winston County, be adopted? Yes ( ), No ( )." If a majority of the votes cast in the election are "Yes," then the provisions of this Act shall become operative immediately. If the majority are "No," this Act shall have no further effect. The results of the election shall be certified by the probate judge to the Secretary of State, who shall make a permanent record thereof.

Approved September 30, 1965.

Time: 10:37 P. M.

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Act No. 74

H. 12—Albea

### AN ACT

To exempt certain volunteer rescue squads from payment of licenses and registration fees and ad valorem taxes on vehicles used exclusively as life saving, rescue or first aid vehicles; and to provide for the issuance of special tags for such vehicles.

*Be It Enacted by the Legislature of Alabama:*

Section 1. Motor vehicles owned by volunteer rescue squads incorporated under the laws of Alabama and used exclusively as life saving, rescue or first aid vehicles without charge, and which are not rented, leased, or loaned to any private individual, firm or corporation, shall be exempt from payment of license and registration fees and all ad valorem taxes otherwise prescribed by law.

Section 2. Any vehicle, to come under the provisions of this Act, shall be painted a distinguishing color and shall display conspicuous letters and figures not less than three inches in height showing the identity of the volunteer rescue squad that owns the vehicle.

Section 3. The treasurer of any rescue squad coming under the provisions of this Act may apply to the department of revenue, giving the make, type, model, motor number, and serial number of the vehicle or vehicles, together with such other information as the department of revenue shall require, which information shall be furnished under oath by such officer; and if upon examination the same appears regular to the department of revenue it shall issue to such treasurer the necessary number of tags to be placed on such vehicle, and such tags shall be used on no other vehicle than that for which issued. Such tags shall have the letters "R. S." and proper number stamped thereon. All replacement tags issued for such vehicles shall be similarly stamped or marked. For issuance of such tags and to cover the expense of preparing same the treasurer shall pay to the department of revenue the sum of one dollar for the necessary tags for each vehicle to which this Act applies.

Section 4. Wherever the term "rescue squad" appears in this Act, it shall refer to and include only those persons or organizations who are members of the Alabama Association of Rescue Squads.

Section 5. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. All laws or parts of laws which conflict with this Act are repealed.

Section 7. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 30, 1965.

Time: 10:36 P. M.

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Act No. 75

H. 14—Snell

### AN ACT

To alter, extend, and rearrange the boundaries of the City of Lanett in Chambers County.

*Be It Enacted by the Legislature of Alabama:*

Section 1. The boundaries and corporate limits of the City of Lanett in Chambers County are hereby altered, extended and rearranged so as to include within the corporate limits of said city, in addition to the territory included with-

in the present corporate limits, the following described territory:

Begin at the Northwest corner of the Southwest Quarter of Section 23, Township 22 North, Range 28 East, Chambers County, Alabama; thence measure with an M.B. of South  $08^{\circ} 17'$  East for a distance of 48.64 feet to an iron pin for a corner and starting point of the parcel to be described; from this point of beginning measure with an M. B. of North  $30^{\circ} 00'$  East for a distance of 650.56 feet to a point for a corner; thence measure with an M.B. of South  $60^{\circ} 00'$  East for a distance of 633.95 feet to an iron pin for a corner; thence measure with an M.B. of North  $87^{\circ} 55'$  East for a distance of 1001.74 feet to an iron pin for a corner; thence measure with an M.B. of North  $68^{\circ} 50'$  East for a distance of 130 feet to an iron pin for a corner; thence measure with an M.B. of North  $38^{\circ} 23'$  East for a distance of 872.54 feet to an iron pin for a corner; thence measure with an M.B. of North  $51^{\circ} 37'$  West for a distance of 90 feet to an iron pin for a corner; thence measure with an M.B. of North  $38^{\circ} 23'$  East for a distance of 349 feet to an iron pin for a corner located on the Southwest margin of North 18th. Street; thence with an M.B. of South  $51^{\circ} 37'$  East along the Southwest margin of North 18th. Street for a distance of 520 feet, more or less, to a point where the Southwest margin of North 18th. Street intersects the corporate limits of the City of Lanett, Alabama, for a point; thence in a Southwesterly direction along the corporate limits line of the City of Lanett, Alabama, with an M.B. of South  $13^{\circ} 14'$  West for a distance of 1144 feet, more or less, to the point where said corporate limits line intersects the center line of a creek known as Tanyard Branch for a corner; thence in a generally Westerly direction along the center line of said Branch for a distance of 3505 feet, more or less, to the point where the center line of said Branch intersects the original starting point of the parcel herein described.

The above described parcel is located adjacent to the City Limits of the City of Lanett in Chambers County, Alabama.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 30, 1965.

Time: 10:16 P. M.

Act No. 76

H. 15—Meade

## AN ACT

To amend Title 51, section 788, as amended, Code of Alabama 1940, levying a use tax on tangible personal property used in the performance of contracts.

*Be It Enacted by the Legislature of Alabama:*

Section 1. Section 788, as amended, Title 51, Code of Alabama 1940, is hereby amended to read as follows:

“Section 788. Property taxed; persons liable.

(a) An excise tax is hereby imposed on the storage, use or other consumption in this state of tangible personal property (not including, however, materials and supplies bought for use in fulfilling a contract for the painting, repairing or reconditioning of vessels, barges, ships and other watercraft of more than fifty tons burden) purchased at retail on or after the first day of October, 1965, for storage, use or other consumption in this state at the rate of four percent of the sales price of such property, except as provided in subsections (b) and (c).

(b) An excise tax is hereby imposed on the storage, use or other consumption in this state of any machines used in mining, quarrying, compounding, processing and manufacturing of tangible personal property, purchased at retail on or after October 1, 1965, at the rate of one and one-half percent of the sales price of any such machine; provided, that the term “machine,” as herein used, shall include machinery which is used for mining, quarrying, compounding, processing, or manufacturing tangible personal property, and the parts of such machines, attachments and replacements therefor, which are made or manufactured for use on or in the operation of such machines and which are necessary to the operation of such machines and are customarily so used.

(c) An excise tax is hereby imposed on the storage, use or other consumption in this state of any automotive vehicle or truck trailer, semitrailer or house trailer purchased at retail on or after October 1, 1965, for storage, use or other consumption in this state at the rate of one and one-half percent of the sales price of such automotive vehicle, truck trailer, semitrailer or house trailer. Where any used automotive vehicle or truck trailer, semitrailer or house trailer is taken in trade, or in a series of trades, as a credit or part payment on the sale of a new or used vehicle, the tax levied herein shall be paid on the net difference, that is, the price of the new or used



vehicle sold less the credit for the used vehicle taken in trade.

Every person storing, using or otherwise consuming in this state tangible personal property purchased at retail shall be liable for the tax imposed by this article, and the liability shall not be extinguished until the tax has been paid to this state; provided, however, that a receipt from a retailer maintaining a place of business in this state or a retailer authorized by the department, under such rules and regulations as it may prescribe, to collect the tax imposed hereby and who shall for the purpose of this article be regarded as a retailer maintaining a place of business in this state, given to the purchaser in accordance with the provisions of section 791 of this title, shall be sufficient to relieve the purchaser from further liability for tax to which such receipt may refer.

(d) An excise tax is hereby imposed on the classes of tangible personal property, and at the rates imposed on such classes, specified in subsections (a), (b) and (c) of this Section, on the storage, use or other consumption in the performance of a contract in this state of any such tangible personal property, new or used, the tax to be measured by the sales price of the fair and reasonable market value of such tangible personal property when put into use in this state, whichever is less. Provided, however, the tax imposed by this subsection shall not apply where the taxes imposed by subsections (a), (b) or (c) of this Section apply."

Section 2. This Act shall become effective on the first day of the month next following the month of its passage and approval or otherwise becoming a law.

Approved September 30, 1965.

Time: 10:17 P. M.

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Act No. 77

H. 85—Etheredge

### AN ACT

To authorize, provide for, and regulate the introduction in evidence in any court in the state, when the original thereof would be admissible, of certified copies of certain hospital records of any hospital organized or operated under or pursuant to the laws of Alabama, as to and concerning a patient in said hospital; to prescribe the form of the certificate to be used for certifying copies of such records, the procedure for obtaining and handling such records, the manner of copying such records, the costs and charges therefor and the manner of payment thereof and the probate value of such records.

*Be It Enacted by the Legislature of Alabama:*

Section 1. When the original would be admissible in any suit or proceeding in a court in the state, a certified copy of the hospital records of any hospital organized or operated under or pursuant to the laws of Alabama, including records of admission, medical, hospital, occupational, disease, injury and disability histories, temperature and other charts, X-rays and written interpretations thereof, pictures, photographs, files, written orders, directions, findings and reports and interpretations of physicians, doctors, surgeons, pathologists, radiologists, specialists, dentists, technicians and nurses, as well as of all employees of such hospital, forming a part of such hospital records as to the health, condition, state, injuries, sickness, disease, mental, physical and nervous disorders, duration and character of disabilities, diagnosis, prognosis, progress, wounds, cuts, contusions, lacerations, breaks, loss of blood, incisions, operations, injuries, examinations, tests, transfusions, hospitalization and duration thereof, medication, medicines, supplies, treatment and care and the cost, expenses, fees and charges therefor and thereof, a part of or shown on or in said hospital records of any patient in said hospital when certified and affirmed by the custodian of said hospital records as herein provided, shall be admissible in evidence without further proof in any court in the state where admissible, if and when said hospital records were made and kept in the usual and regular course of business of said hospital and it was in the regular course of business of said hospital to make and keep said records and that said records were made at the time of such acts, transactions, occurrences or events therein referred to occurred or arose or were made, or within a reasonable time thereafter.

Section 2. A certified copy of said hospital records may be procured by any litigant in any court of competent jurisdiction in the state by subpoena duces tecum and when any such subpoena duces tecum is issued for said hospital records the custodian of said hospital records shall prepare a copy of said hospital records as herein provided and securely seal the same in an envelope or other container and date and fill out and sign a certificate in substantially the form in this act provided and place on, or securely fasten said certificate to the outside of said envelope or container in which said copy of said hospital records are placed and deliver the same to the clerk or register of the court hearing or to hear or to try the suit or proceeding in which the records are sought and he shall not otherwise be required to appear in court unless thereafter ordered to do so by the court. The copy of the hospital records shall not be open to inspection, or copy, by other persons than the parties to the suit and their attorneys until ordered published by the court

trying the case at the time of the trial. When so prepared and certified the copy of said hospital records shall be admissible in evidence in any court in the state, if and when admissible, in prima facie proof of the facts therein shown just as if otherwise verified and just as if the copy was the original. The copy of the hospital records may be photostated, photographed or made by micro-photographic plate or film or otherwise made so long as clear and easily legible. All the circumstances of the making of such hospital records, including lack of personal knowledge of the entrant or maker of such hospital records may otherwise be shown to affect the weight of such hospital records but this shall not affect their admissibility.

For preparing a copy of such hospital records the clerk or register shall tax as costs twenty-five cents for each page of said hospital records and \$2.50 for making the certificate affixed or appended thereto which charges shall be taxed as costs in the suit or proceeding and said costs shall abide the result of the suit or proceeding.

Section 3. The certificate of the custodian of the hospital records herein provided for shall show the name of the parties to the suit or proceeding and the name of the court to which made, by appropriate caption, and said certificate shall be in form in substance as follows, to-wit:

I, \_\_\_\_\_ hereby certify and affirm in writing that I am \_\_\_\_\_ of the \_\_\_\_\_ Hospital, a hospital organized or operated pursuant to or under the laws of Alabama, located at \_\_\_\_\_, Alabama, and that I am custodian of the hospital records of said hospital, and that the within copy of said hospital records are an exact, full, true and correct copy of said hospital records pertaining to \_\_\_\_\_.

I further certify that I am familiar with and know, and knew when made and charged, the reasonable value and price for the various charges made and shown in said hospital records pertaining to \_\_\_\_\_ and that said charges are in my judgment just, reasonable and proper and in keeping with those generally charged in the county and community where said hospital is located.

All of which I hereby certify and affirm on this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

Section 4. All laws or parts of laws which conflict with this act are repealed.

Section 5. This act shall become effective immediately

upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 30, 1965.

Time: 10:18 P. M.

Act No. 78

H. 116—Fite

### AN ACT

To amend Sections III, IV, V, and VI of Act No. 805, S. 385, Regular Session 1951 (Acts 1951, p. 1402), an Act entitled "An Act To define and prohibit the unfair sales of cigarettes; and to provide remedies and set forth penalties for violations", which is known as "The Unfair Cigarette Sales Act", so as to further define unfair sales; to define further the term "wholesaler"; to regulate further sales prices for cigarettes combined with other items; and to eliminate certain provisions relating to wholesalers selling to service retailers.

*Be It Enacted by the Legislature of Alabama:*

Section 1. Section III of Act No. 805, S. 385, Regular Session 1951 (Acts 1951, p. 1402), an Act entitled "An Act To define and prohibit the unfair sales of cigarettes; and to provide remedies and set forth penalties for violations", which is known as "The Unfair Cigarette Sales Act", is amended to read as follows:

"Section III (a) 1. It shall be unlawful for any wholesaler or retailer with intent to injure competitors, destroy or substantially lessen competition, or with the effect thereof, to advertise, offer to sell or sell at wholesale or retail cigarettes at less than cost to such wholesaler or retailer as the case may be, or to offer or give a rebate in price or to offer or give a concession of any kind or nature whatsoever in connection with the sale of cigarettes or in connection with the sale of other commodities where the sale of cigarettes is a factor in the computation of such rebate or concession.

"2. It shall be unlawful for any retailer to induce or attempt to induce, or to procure or attempt to procure the purchase of cigarettes at a price less than 'cost to wholesaler' as defined in this Act, or to induce or attempt to induce or to procure or attempt to procure any rebate or concession of any kind or nature whatsoever in connection with the sale of cigarettes.

"3. Any wholesaler or retailer who shall violate the provisions of this Section shall be guilty of a misdemeanor and be punishable by fine of not more than \$1,000.00.

"(b) Evidence of advertisement, offering to sell, or sale

of cigarettes by any wholesaler or retailer at less than cost to him shall be prima facie evidence of intent to injure competitors and to destroy or substantially lessen competition.

“(c) Any individual who as a director, officer, partner, member or agent of any person violating the provisions of this Act, assist or aids, directly or indirectly, in such violation shall, equally with the person for whom he acts, be responsible therefor and subject to the punishment and penalties set forth in this section.

“(d) Each advertisement to sell, offer to sell, or sale at wholesale or retail, cigarettes at less than cost to such wholesaler or retailer, as the case may be, as defined in this Act, shall constitute a separate offense under this Act.”

Section 2. Section IV of said Act is amended to read as follows:

“Section IV. For purposes of interpretation and construction of this Act, the following words, terms and phrases and any variations thereof shall have the meaning ascribed to them hereinafter, except where the context of this Act clearly indicates a different meaning.

“(a) The term ‘person’ shall mean and include any individual, firm, association, company, partnership, corporation, joint stock company, club, agency, syndicate, trust, receiver, trustee, fiduciary and conservator.

“(b) The term ‘wholesaler’ shall mean and include any person who purchases cigarettes directly from the manufacturer or purchases cigarettes from any other person who purchases from the manufacturer and who acquires such cigarettes solely for the purpose of bona fide resale to retail dealers for the purpose of resale only. Nothing contained herein shall prevent a person from qualifying in different capacities as both ‘wholesaler’ and ‘retailer’ under the applicable provisions of this Act.

“(c) The term ‘retailer’ shall mean and include every person other than a wholesale dealer (as defined in this Act) who, operating under a retail dealers license, shall sell or offer for sale cigarettes.

“(d) The term ‘commissioner’ when used in this Act, shall mean the commissioner of the department of revenue of the state of Alabama.

“(e) The term ‘cigarettes’ shall mean and include any roll for smoking, made wholly or in part of tobacco, irrespective of size or shape and whether or not such tobacco is flavored,

adulterated or mixed with any other ingredient, the wrapper or cover of which is made of paper or any other substance or material, excepting tobacco.

“(f) The term ‘sale’ shall mean any transfer for a consideration, exchange, barter, gift, offer for sale and distribution in any manner or by any means whatsoever.

“(g) The terms ‘sell at wholesale’, ‘sales at wholesale’ and ‘wholesale sales’ shall mean and include any such transfer of title to tangible personal property for the purpose of resale.

“(h) The terms ‘sell at retail’, ‘sales at retail’ and ‘retail sales’ shall mean and include any transfer of title to tangible personal property for a valuable consideration made in the ordinary course of trade or usual prosecution of the seller’s business to the purchaser for consumption or use.

“(i) ‘Basic cost of cigarettes’ shall mean the invoice cost of cigarettes to the retailer or wholesaler as the case may be, or the replacement cost of cigarettes to the retailer or wholesaler, as the case may be, within thirty days prior to the date of sale, in the quantity last purchased, whichever is lower, less all trade discounts and discounts for cash, to which shall be added the full face value of any stamps which may be required by any cigarette tax act of this state or any political subdivision thereof now in effect or hereafter enacted, if not already included by the manufacturer in his list price.

“(j) 1. The term ‘cost to wholesaler’ shall mean the ‘basic cost of cigarettes’ to the wholesaler plus the ‘cost of doing business by the wholesaler’, as evidenced by the standards and methods of accounting regularly employed by him in his allocation of overhead costs and expenses, paid or incurred, and must include, without limitation, labor costs (including salaries of executives and officers), rent, depreciation, selling costs, maintenance of equipment, delivery costs, all types of licenses, taxes, insurance and advertising.

“2. In the absence of proof of a lesser or higher cost of doing business by the wholesaler making the sale, the ‘cost of doing business by the wholesaler’ shall be presumed to be four and one-half per centum ( $4\frac{1}{2}\%$ ) of the ‘basic cost of cigarettes’ to the wholesaler, plus cartage to the retailer outlet, if performed or paid for by the wholesaler, which cartage cost, in the absence of proof of a lesser or higher cost, shall be deemed to be one-half of one per centum ( $\frac{1}{2}$  of  $1\%$ ) of the ‘basic cost of cigarettes’ to the wholesaler.

“(k) 1. The term ‘cost to retailer’ shall mean the ‘basic

cost of cigarettes' to the retailer plus the 'cost of doing business by the retailer', as evidenced by the standards and methods of accounting regularly employed by him in his allocation of overhead costs and expenses, paid or incurred, and must include, without limitation, labor (including salaries of executives and officers), rent, depreciation, selling costs, maintenance of equipment, delivery costs, all types of licenses, taxes, insurance and advertising.

"2. In the absence of proof of a lesser or higher cost of doing business by the retailer making the sale, the 'cost of doing business by the retailer' shall be presumed to be eight per centum (8%) of the 'basic cost of cigarettes' to the retailer.

"3. In the absence of proof of a lesser or higher cost of doing business, the 'cost of doing business by the retailer', who, in connection with the retailer's purchase, receives not only the discounts ordinarily allowed upon purchases by a retailer but also, in whole or in part, the discounts ordinarily allowed upon purchases by a wholesaler, shall be presumed to be eight per centum (8%) of the sum of the 'basic cost of cigarettes' and the 'cost of doing business by the wholesaler'."

Section 3. Section V of said Act is amended to read as follows:

"Section V. In all advertisements, offers for sale or sales involving two or more items at least one of which items is cigarettes at a combined price, and in all advertisements, offers for sale or sales involving the giving of any concession of any kind whatsoever (whether it be by coupons or otherwise), the retailer's or wholesaler's selling price shall not be below the 'cost to the retailer' or the 'cost to the wholesaler', respectively, of the cigarettes, included in such transactions, and the invoice cost, whether the same be paid by the retailer, the wholesaler or any other person, of all other articles, products, commodities and concessions included in such transactions, to which invoice cost shall be added the cost of doing business in the case of the wholesaler and the retailer, respectively, as such costs are defined in Section IV (j) and (k) of this Act."

Section 4. Section VI of said Act is amended to read as follows:

"Section VI. When one wholesaler sells cigarettes to any other wholesaler the former wholesaler shall not be required to include in his selling price to the latter, 'cost to the wholesaler' as provided by Section IV of this Act, but the latter wholesaler, upon resale to a retailer, shall be subject to the provisions of said Section.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 30, 1965.

**Time: 11:10 P.M.**

Act No. 79      H. 117—Engel, Smith, Nettles, Jones (Monroe),  
Goodwyn, Pierce, Turnham, Owens,  
Nabors, Callahan, Brown (Tuscaloosa),  
Etheredge, Hankins, Grouby, Edwards  
(Escambia), Daniel, Hester, Branyon,  
Davis, Cook, Steagall, Holladay, Hain,  
Teel, NeSmith, Ingram, Hogan,  
Downing, McDermott

AN ACT

To amend Section 10, paragraph C of Act No. 1, 1945 General Acts of Alabama, Page 1, Approved May 22, 1945, relating to the making of emergency rules by the State Oil and Gas Board.

*Be It Enacted by the Legislature of Alabama:*

Section 1. Section 10, Paragraph C of Act No. 1, 1945 General Acts of Alabama, Page 1, is hereby Amended to read as follows:—

“Section 10, Paragraph C. In the event an emergency is found to exist by the Board which in its judgment requires the making, changing, renewal or extension of a rule, regulation or order without first having a hearing, such emergency rule, regulation or order shall have the same validity as if a hearing with respect to the same had been held after due notice. The emergency rule, regulation or order permitted by this subsection shall remain in force no longer than forty-five days from its effective date, and, in any event, it shall expire when the rule, regulation or order made after due notice and hearing with respect to the subject matter of such emergency rule, regulation or order becomes effective.”

**Section 2.** This Act shall become effective immediately upon its passage and approval by the Governor, or by its otherwise becoming law.

Approved September 30, 1965.

**Time: 11:12 P. M.**



Act No. 80

H. 118—Cook, Steagall, Holladay, Hain, Teel, NeSmith, Ingram, Hogan, Downing, McDermott, Engel, Smith, Nettles, Jones (Monroe), Goodwyn, Pierce, Turnham, Owens, Nabors, Callahan, Brown (Tuscaloosa), Etheredge, Hankins, Grouby, Edwards (Escambia), Daniel, Hester, Branyon, Davis

## AN ACT

To Amend Sections 4 and 5(b) of Act No. 352, 1957 General Acts of Alabama, Page 461, Approved August 23, 1957, relating to orders of the State Oil and Gas Board providing for Unit Operation of an entire field, or of any pool or pools, or of any portion or portions or combinations thereof, within a field for the production of oil or gas, or both, in order to increase ultimate recovery thereof by secondary recovery methods, to prevent waste or to avoid the drilling of unnecessary wells.

*Be It Enacted by the Legislature of Alabama:*

Section 1. Sections 4 and 5(b) of Act No. 352, 1957 General Acts of Alabama, Page 461, Approved August 23, 1957, are hereby amended to read as follows:—

“Section 4. An order requiring unit operation shall not become effective unless and until agreements incorporating the provisions of Section 3 hereof have been signed or in writing ratified or approved by the owners of at least seventy-five percentum (75%) in interest as costs are shared under the terms of the order and by seventy-five percentum (75%) in interest of the royalty and overriding royalty owners in the unit area and the Board has made a finding to that effect either in the order or in a supplemental order. In the event the required percentage interests have not signed, ratified or approved the order or said agreements within six (6) months from and after the date of such order it shall be automatically revoked.”

“Section 5(b) An order promulgated by the Board under paragraph (a) of this section shall not become effective unless and until (1) all of the terms and provisions of the unitization agreement relating to the extension or enlargement of the unit area or to the addition of pools or portions thereof to unit operations have been fulfilled and satisfied and evidence thereof has been submitted to the Board, and (2) the extension or addition effected by such order has been agreed to in writing by the owners of at least seventy-five percentum (75%) in interest as costs are shared of the area or pools or portions thereof to be added to the unit operation by such order and by seventy-five percentum (75%) in interest of the royalty and overriding royalty owners in the area or pools or portions thereof

to be added to the unit operations by such order, and evidence thereof has been submitted to the Board. In the event both of the above requirements are not fulfilled within six (6) months from and after the date of such order it shall be automatically revoked."

**Section 2.** This Act shall become effective immediately upon its passage and approval by the Governor, or by its otherwise becoming a law.

Approved September 30, 1965.

Time: 11:13 P. M.

Act No. 81      H. 119—Engel, Smith, Nettles, Jones (Monroe),  
Goodwyn, Pierce, Turnham, Owens,  
Nabors, Callahan, Brown (Tuscaloosa),  
Etheredge, Hankins, Grouby, Edwards  
(Escambia), Daniel, Hester, Branyon,  
Davis, Cook, Steagall, Holladay, Hain,  
Teel, NeSmith, Ingram, Hogan,  
Downing, McDermott

AN ACT

To amend Section 15 of Act No. 1, 1945 General Acts of Alabama, Page 1, Approved May 22, 1945, as amended by Act No. 575, 1957 General Acts of Alabama, Page 798, Approved September 18, 1957, which relates to the method of appeals from a ruling of the State Oil and Gas Board.

*Be It Enacted by the Legislature of Alabama:*

Section 1. Section 15 of Act No. 1, 1945 General Acts of Alabama, Page 1, as Amended by Act No. 575, 1957 General Acts of Alabama, Page 798, is hereby Amended to read as follows:

Section 15. Any interested person aggrieved by any rule, regulation or order made or promulgated by the board hereunder, and who may be dissatisfied therewith, shall within thirty days from the date said order, rule or regulation was promulgated, have the right, regardless of the amount involved, to file a suit in the circuit court in equity of the county in which all or part of the aggrieved person's property affected by any such rule, regulation or order is situated, to test the validity of said rule, regulation or order promulgated by the board. Such suit shall be advanced for trial and be determined as expeditiously as feasible, and no postponement or continuance thereof shall be granted except for reasons deemed imperative by the court. In such trials the validity of any rule, regulation or order made or promulgated hereunder shall be deemed prima facie valid, and

the court shall be limited in its consideration to a review of the record of the proceedings before the board, and no new or additional evidence shall be received.

The reviewing court shall limit its consideration to the following:

- A. Whether the rule, regulation or order is constitutional.
- B. Whether the rule, regulation or order was without or in excess of jurisdiction.
- C. Whether the rule, regulation or order was procured by fraud.
- D. Whether the rule, regulation or order is reasonable.
- E. Whether the rule, regulation or order is unsupported by the evidence."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or by its otherwise becoming a law.

Approved September 30, 1965.

Time: 11:14 P. M.

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Act No. 82      H. 120—Engel, Smith, Nettles, Goodwyn, Jones  
(Monroe), Owens, Nabors, Callahan,  
Brown (Tuscaloosa), Etheredge,  
Hankins, Grouby, Edwards  
(Escambia), Daniel, Hester, Branyon,  
Davis, Cook, Steagall, Holladay, Hain,  
Teel, NeSmith, Ingram, Hogan,  
Downing, McDermott

#### AN ACT

To amend Section 3 of Act No. 1, 1945 General Acts of Alabama, Page 1, Approved May 22, 1945, which relates to the compensation and expenses of the members of the State Oil and Gas Board.

*Be It Enacted by the Legislature of Alabama:*

Section 1. Section 3 of Act No. 1, 1945 General Acts of Alabama, Page 1, is hereby amended to read as follows:

"Section 3. There is hereby created and established a board, to be known as the state oil and gas board, to be composed of three members to be appointed by the governor immediately after this article takes effect for terms of the following duration: One member for a term of two years; one member for a term of four years; and one member for a term of six years. At the

expiration of the term for which each of these original appointments is made, each successor member shall be appointed for a term of six years; and, in the event of a vacancy, the governor shall by appointment fill such unexpired term. Each member shall be eligible for reappointment at the discretion of the governor. Each member of the board shall be a resident of the state of Alabama and shall be a qualified voter therein. Each member shall qualify by taking an oath of office and shall hold office until his successor is appointed and qualified. The board shall elect from its number a chairman. The board shall meet or hold hearings at such times and places as may be found by the board to be necessary to carry out its duties. Each member shall receive as compensation for his services the sum of \$30.00 for each day he attends a meeting or hearing, but not exceeding \$3,600.00 per annum; and, in addition thereto, each member shall be entitled to his reasonable expenses for each meeting or hearing attended. Compensation and reimbursement for necessary expenses as above set forth shall be paid from the oil and gas fund."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or by its otherwise becoming a law.

Approved September 30, 1965.

Time: 10:21 P. M.

Act No. 83

H. 140—Edington, Collins (Mobile)

#### AN ACT

Relating to the powers of cities having populations of not less than 200,000 and not more than 300,000 according to the most recent federal decennial census; authorizing the governing bodies of such cities to adopt ordinances to permit certain commissions for the preservation and protection of the historic architectural character of the city and the promotion of historic districts as tourist attractions, to provide certain outdoor dining facilities in connection with such promotion; amending Section 3 of Act No. 356, H. 627, Regular Session 1963 (Acts 1963, p. 855).

*Be It Enacted by the Legislature of Alabama:*

Section 1. Section 3 of Act No. 356, H. 627, Regular Session 1963 (Acts 1963, p. 855), an act relating to cities having populations of not less than 200,000 nor more than 300,000, as amended by Act 613, H. 1145, Regular Session 1965, is further amended to read as follows:

"Section 3. An historic development commission with the following membership, duties and powers may be created by the city governing body.

(A) Said commission shall be composed of no less than eleven members who shall be selected by the city governing body in such a manner as to serve overlapping terms. Except for the first members, their terms shall be four years.

(B) The commission shall operate under a constitution as adopted by the commission and approved by the city governing body.

(C) The commission shall have as its purposes (1) the preservation and protection of buildings of historic and architectural value in the historic districts, as defined in Section 2 of this Act, and the maintenance of the distinctive character of these districts, (2) the fostering and encouraging of the preservation, restoration, and utilization of buildings of historic and architectural value in the historic districts, (3) the development and promotion of historic districts, as major tourist attractions of historic and economic value, and in connection therewith shall be authorized to provide for patio type restaurants with outdoor dining facilities. Provided, however, all such restaurants and facilities shall in every other respect be subject to all state, county, and municipal regulations respecting food handling establishments, adopted pursuant to Section 85, Title 22, Code of Alabama 1940, as amended. Provided further that nothing in this Act shall be construed so as to permit any city or commission created pursuant to the provisions of this Act to enter into the restaurant business.

(D) Said commission shall have the power and authority in addition to all powers conferred on it by the general law, (1) to purchase, sell, contract to purchase, contract to sell, own, encumber, lease, mortgage, and insure real and personal property of all kinds and descriptions; (2) to request, solicit and accept gifts, donations, pledges, fees, bequests, devises, loans or appropriations from any source whatsoever; (3) to set up at such lawful depository or depositories in the City of Mobile as it may select, a "REVOLVING FUND FOR HISTORIC DEVELOPMENT" which shall be composed of the monies which may come into its hands from any source whatsoever and which shall be used for the furtherance of the objectives and purposes of the commission, and (4) the commission may employ such professional, office, technical and other personnel as may be necessary or desirable for the carrying out in the most efficient manner of the purposes of such commission.

(E) The commission shall constitute a non-profit governmental agency whose funds shall be used exclusively for public purposes. Such commission shall have a tax exempt status, and the properties of the commission and the income therefrom, together with all leases, agreements and contracts made by it,

shall be forever exempt from any and all taxation by the State of Alabama and any political subdivision thereof, including, but not limited to, income, admission, amusement, excise and ad valorem taxes.

(F) It shall be the duty of the commission to exercise such powers as the commission shall deem necessary and fitting to carry out the above stated purposes."

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 30, 1965.

Time: 11:15 P.M.

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Act No. 84

H. 171—Camp, Bolton

### AN ACT

To provide for purchasing and furnishing state-owned textbooks for classes and schools operated by the Alabama Institute for Deaf and Blind.

*Be It Enacted by the Legislature of Alabama:*

Section 1. The state department of education shall purchase and furnish state-owned and state-adopted textbooks for the pupils and teachers in classrooms and schools operated under the jurisdiction of the Alabama Institute for Deaf and Blind. Such purchases shall be made from appropriations to the state department of education for the purchase of textbooks to be furnished in the public schools of the state. The state board of education may make and enforce regulations for the proper care and accounting for such state-owned textbooks, and shall not be required to purchase and furnish special books or materials for the deaf and blind.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 30, 1965.

Time: 10:27 P.M.

Act No. 85

H. 177—Bevill

## AN ACT

To amend Code of Alabama 1940, Title 51, Section 463, which levies license taxes on persons engaged in selling automobiles, in relation to counties having populations of not less than 54,000 nor more than 56,000, according to the most recent federal decennial census.

*Be It Enacted by the Legislature of Alabama:*

Section 1. Code of Alabama Title 51, Section 463, as amended, is amended further to read as follows:

“Section 463. (a) Each person, dealer or agent selling, offering to sell, or soliciting orders for the sale of motor vehicles to the ultimate consumer, who does not maintain a regularly established place of business in this state for the sale of such motor vehicles, shall be required to pay an annual license of two hundred dollars for use of the state and one hundred dollars for use of the county. Both a state and county license shall be payable in each county in which such person engages in any of the activities herein mentioned in this section. (b) In all counties other than counties having populations of not less than 54,000 nor more than 56,000, according to the most recent federal decennial census, each person, firm, corporation, dealer or agent, conducting an auction sale for the sale of motor vehicles or offering to sell motor vehicles at public auction, whether to dealer, consumer or otherwise, shall be required to pay an annual license of five hundred dollars for the use of the state and five hundred dollars for the use of the county. Both a state and county license shall be payable in each county in which such person, firm, corporation, dealer or agent engages in or holds himself out to sell or offer to sell motor vehicles at auction.”

Section 2. This Act shall take effect October 1, 1965.

Approved September 30, 1965.

Time: 10:22 P. M.

Act No. 86

H. 193—McCorquodale

## AN ACT

Relating to municipal corporations in counties having populations of not less than 25,700 nor more than 25,900, according to the most recent federal decennial census; to authorize such municipalities to protect, maintain and care for ancient cemeteries or burial grounds, to grant permits for burial therein, and to define “ancient cemetery or burial ground.”

*Be It Enacted by the Legislature of Alabama:*

Section 1. In any county having a population of not less than 25,700 nor more than 25,900, according to the most recent federal decennial census, a municipality having within its corporate limits or the police jurisdiction thereof an ancient cemetery or burial ground, as herein defined, may provide for the protection, maintenance and care thereof, in whole or in part, and may appropriate funds for that purpose. A written permit for interment in such cemetery or burial ground shall be secured from the municipality under general regulations duly adopted by the governing body thereof. An "ancient cemetery or burial ground" as used herein is one which at the time the town or city assumes the protection, maintenance and care thereof, in whole or in part, has two or more graves therein which are at least fifty years old and which cemetery or burial ground has been open to the public for burials and for which there is no adequate provision for the protection, maintenance and care thereof.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 30, 1965.

Time: 10:49 P. M.

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Act No. 87

H. 203—Davis

AN ACT

Relating to Bibb County, regulating the pay of members of the county board of equalization, and providing for the payment of additional compensation from the county treasury.

*Be It Enacted by the Legislature of Alabama:*

Section 1. The chairman and each member of the county board of equalization of Bibb County shall be entitled to \$15.00 a day for each day's service as provided by law. Of this, \$10.00 a day shall be paid from the general funds of the county; and the remainder shall be paid as provided in Code of Alabama 1940, Title 51, Sections 94 and 95, as amended.



Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 30, 1965.

Time: 10:50 P. M.

Act No. 88

H. 208—Hester

### AN ACT

Relating to all counties having populations of not less than 21,900 and not more than 22,300, according to the most recent or any subsequent federal decennial census; prescribing the duties of the office of the county solicitor or the prosecutor of the inferior courts, including the intermediate courts of such counties.

#### *Be It Enacted by the Legislature of Alabama:*

Section 1. In all counties having populations of not less than 21,900 and not more than 22,300, according to the most recent or any subsequent federal decennial census, the county solicitor or prosecutor shall attend all regular sessions of inferior court, including any intermediate court existing in such counties, for the prosecution of criminal cases, and shall do and perform all duties of a solicitor.

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 30, 1965.

Time: 10:51 P. M.

Act No. 89

H. 212—Casey

### AN ACT

To provide expense allowances for circuit judges of counties having populations of not less than 10,800 nor more than 12,300 payable out of the general fund of such counties.

*Be It Enacted by the Legislature of Alabama:*

Section 1. The county commission, board of revenue or other like governing body of any county having a population of not less than 10,800 nor more than 12,300 is hereby authorized, empowered and directed to provide an expense allowance not to exceed \$500 per annum for each of the judges of the circuit court of such county. Such expense allowance shall be paid in equal monthly installments out of the general fund of such county and shall be in addition to any salary and any other allowances for expenses or clerk hire heretofore provided by law.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 30, 1965.

Time: 10:52 P. M.

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Act No. 90

H. 214—Pennington

### AN ACT

Relating to cities having a population of not less than 70,000 nor more than 120,000 according to the last or any subsequent federal decennial census; providing for the planning, design, location, financing, acquisition of property for, construction, alteration, enlargement, use, maintenance, operation, and fostering of off-street automobile parking facilities in such cities.

*Be It Enacted by the Legislature of Alabama:*

Section 1. It is hereby determined and declared that in cities having a population of not less than 70,000 nor more than 120,000, according to the last or any subsequent federal decennial census, that the free circulation of traffic of all kinds through the streets of said municipalities within this state is necessary to the health, safety and general welfare of the public; that in recent years the greatly increased use by the public of motor vehicles of all kinds has caused serious traffic congestion in streets of said municipalities; that the parking of motor vehicles in the streets has contributed to this congestion; that such congestion prevents the free flow of traffic in, through and from such municipalities, impedes the rapid and effective fighting of fires and disposition of police force, threatens irreparable loss in the values of urban property within said cities which can no longer be readily reached by vehicular traffic and endangers the health, safety and welfare of the general public; that this traffic congestion is not capable of being adequately abated except by provisions of sufficient off-street parking facilities; that adequate off-street parking facilities have not been provided and parking

spaces now existing must be forthwith supplemented by off-street parking facilities provided by public undertaking; and that the enactment of the provisions of this Act is hereby declared to be a public necessity. This Act shall apply only to such cities.

Section 2. The council or other governing body of all cities within the State of Alabama, having a population of not less than 70,000 nor more than 120,000 according to the last or any subsequent federal decennial census, is hereby authorized and empowered to acquire, receive, take and hold, whether by purchase, gift, lease, devise, or otherwise, property of every description, whether real, personal or mixed, and to manage said property and to develop any undeveloped property owned, leased or controlled by such city for the purposes hereinafter set out; to execute such contracts and other instruments and to take such other action as may be necessary and convenient to carry out the provisions of this Act or to exercise the power granted hereunder; to plan, establish, acquire, construct, enlarge, improve, maintain, equip, operate, regulate and protect parking facilities; to lease or let such facilities or any one or more of them to such tenant or tenants for such term, or terms, at such compensation or rental as the council or other governing body may from time to time direct; to issue interest bearing revenue bonds payable from the limited sources hereinafter referred to; to pledge for payment of such bonds any revenues or funds which such bonds are made payable; to make and enter into contracts, leases and agreements incidental to or necessary for the accomplishment of any purpose or purposes authorized by this Act; to make and enforce rules and regulations governing the use of any parking facilities owned or controlled by said city; to cooperate with the State, any County city, town, public corporation, agency, department, or political subdivision of the State, and to make such contracts with them or any of them as the council or other governing body may deem advisable to accomplish the purposes of this Act; to receive and accept grants for or in aid of the construction, extension improvement, maintenance or operation of any parking facility from the United States of America or any agency thereof, from the state, any department or agency thereof and any political subdivision thereof and to receive and accept money, property, labor or other things of value from any source whatsoever; and to do any and all things necessary or convenient for the exercise of any power herein granted.

Section 3. The council or other governing body of any such city is hereby specifically authorized to lease any said parking facilities constructed under the provisions of this Act; provided, however, that prior to leasing any such parking facility the council or other governing body must determine and find the

following: the amount necessary in each year to pay the principal of and the interest on the bonds proposed to be issued to finance such project; the amount necessary to be paid each year into any reserve fund which the council or other governing body may deem it advisable to establish in connection with the retirement of said bonds and the maintenance of said parking facility or facilities; and, unless the terms under which the project is to be leased, provided that the lessee shall maintain the project and carry all proper insurance (including liability insurance) with respect thereto, the estimated cost of maintaining the parking facility in good repair and keeping it properly insured. The lease agreement shall provide for the payment of rentals based on such findings and determinations as are sufficient (a) to pay the principal of and interest on the bonds issued to finance the parking facility, (b) to build up and maintain any reserves deemed by the council or other governing body to be advisable in connection therewith, (c) unless the agreement of lease obligates the lessee to pay for the maintenance and proper insurance (including liability insurance) of the parking facility, to pay the cost of maintaining the parking facility in good repair and keeping it properly insured. The lease agreement may, at the discretion of the council or other governing body, contain provisions prescribing minimum operating hours, maximum charges to be collected by the operator, and other terms to be observed by the lessee.

Section 4. The principal of and interest on any bonds issued under this Act shall be secured by a pledge of the revenues out of which such bonds may be made payable and may be secured by a mortgage covering all or any part of any project or projects from which the revenues so pledged may be derived, and may be secured by a pledge of the lease of such project. The proceedings under which such bonds are authorized to be issued or any such mortgage may contain any agreements and provisions customarily contained in instruments securing bonds, including, without limiting the generality of the foregoing, provisions respecting the fixing and collection of rents for any project covered by such proceedings or mortgage, the terms to be included in the lease of such project, the maintenance and issuance of such project, the creation and maintenance of special funds from the revenues from such project, and the rights and remedies available in event of default of the bond holders or to the trustee under a mortgage, all as the governing body shall deem advisable and as shall not be in conflict with the provisions of this Act; provided, however, that in making any such agreements or provisions a municipality shall not have the power to obligate itself except with respect to the project and the application of the revenues therefrom and shall not have the power to incur a pecuniary liability or a charge upon its

general credit or against its taxing powers. The proceedings authorizing any bonds hereunder and any mortgage securing such bonds may provide that, in the event of default in payment of the principal of or the interest on such bonds or in the performance of any agreement contained in such proceedings or mortgage, such payment and performance may be enforced by mandamus or by the appointment of a receiver in equity with power to charge and collect rents and to apply the revenues from the project in accordance with such proceedings or the provisions of such mortgage. Any such mortgage may provide also that, in the event of default in such payment or the violation of any agreement contained in the mortgage, the mortgage may be foreclosed either by sale at public outcry or by proceedings in equity, and may provide that any trustee under such mortgage or the holder of any of the bonds secured thereby may become the purchaser at any foreclosure sale if the highest bidder therefor. No breach of any such agreement shall impose any pecuniary liability upon a municipality or any charge under its general credit or against its taxing powers.

Section 5. Any bonds issued hereunder and at any time outstanding may at any time and from time to time be refunded by any such city by the issuance of its refunding bonds in such amount as the governing body may deem necessary but not exceeding any amount sufficient to refund the principal of the bonds so to be refunded, together with any unpaid interest thereon and any premiums and commissions necessary to be paid in connection therewith. Any such refunding may be effected whether the bonds to be refunded shall have then matured or shall thereafter mature, either by sale of the refunding bonds and the application of the proceeds thereof for the payment of the bonds to be refunded thereby, or by exchange of the refunding bonds for the bonds to be refunded thereby; provided, that the holders of any bonds so to be refunded shall not be compelled without their consent to surrender their bonds for payment or exchange prior to the date on which they are payable, or if they are called for redemption, prior to the date on which they are by their terms subject to redemption. Any refunding bonds issued under the authority of this Act shall be payable solely from the revenues out of which the bonds to be refunded thereby were payable, and shall be subject to the provisions contained in Section 4 of this Act, and may be secured in accordance with the provisions of Section 3 of this Act.

Section 6. The proceeds from the sale of any bonds issued under authority of this Act shall be applied only for the purpose for which the bonds were issued; provided, however, that any accrued interest and premium received in any such sale shall

be applied to the payment of the principal of or the interest on the bonds sold; and provided, further, that if for any reason any portion of such proceeds shall not be needed for the purpose for which the bonds were issued, then such unneeded portion of said proceeds shall be applied to the payment of the principal of or the interest on said bonds. The cost of acquiring any project shall be deemed to include the following: the actual cost of the construction of any part of a project which may be constructed, including architect's and engineer's fees; the purchase price of any part of a project that may be acquired by purchase; all expenses in connection with the authorization, sale and issuance of the bonds to finance such acquisition; and the interest on such bonds for a reasonable time prior to construction, during construction, and for not exceeding six months after completion of construction.

Section 7. Any such city subject to the provisions of this Act may pay out of its general funds or otherwise contribute any part of the costs of acquiring a project, and may use land already owned by the municipality, or in which the municipality has an equity, for construction thereof of a project; and the municipality may accept donations of property to be used as a part of any project and money to be used for defraying any part of the cost of any project; provided, however, that where revenue bonds are issued, or to be issued, such city shall make no contribution of money or property nor obligate itself to make any contribution of money or property which would cause such bonds to be debts within the meaning of section 225 of the Constitution of the State of Alabama or bonds within the meaning of section 222 of the Constitution of the State of Alabama.

Section 8. Bonds issued under the provisions of this Act shall be legal investments for banks and insurance companies organized under the laws of this state.

Section 9. The bonds authorized by this Act and the income therefrom, all mortgages executed as security therefor, all lease agreements made pursuant to the provisions hereof, and all projects and the revenues derived from any lease thereof shall be exempt from all taxation in the State of Alabama.

Section 10. Neither this Act nor anything herein contained shall be construed as a restriction or limitation upon any powers which a municipality might otherwise have under any laws of this state, but shall be construed as cumulative; and this Act shall not be construed as requiring an election by the voters of a municipality prior to the issuance of bonds hereunder by such municipality unless required by the Constitution of the State of Alabama.

Section 11. If any section, provision, or clause of this act shall be declared invalid or unconstitutional, such declaration shall not affect the part or parts which remain.

Section 12. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 30, 1965.

Time: 10:53 P. M.

Act No. 91

H. 215—Pierce

### AN ACT

To amend Section 415 of Title 48 of the Code of Alabama, 1940.

*Be It Enacted by the Legislature of Alabama:*

Section 1. Section 415 of Title 48 of the Code of Alabama, 1940, as amended, is amended to read as follows:

“Section 415. Injuring telegraph, telephone, or electric lines, posts, etc.—Any person who wilfully, or maliciously cuts poles, or pushes down, short circuits, destroys, or injures any telegraph, telephone or electric line, the property of another, or any post, pole, tower, crossarm, insulator, wire, stay, or prop thereof, or who shall wilfully, or maliciously place and leave any wire, rope, pole, rail, plank, tree, brush, limb, or other thing on, across, or against the wire of such telegraph, telephone or electric line, or who shall wilfully, or maliciously interfere with the transmission of electric currents over such lines, or interfere with or injure directly or indirectly any apparatus, instrument, or machinery connected therewith, shall upon conviction be punished by imprisonment in the State penitentiary for not less than one year, and not more than five years.”

Section 2. All laws and parts of laws in conflict herewith are hereby repealed.

Section 3. This Act shall take effect immediately upon its passage and approval by the Governor or its otherwise becoming a law.

Approved September 30, 1965.

Time: 10:23 P. M.

Act No. 92

H. 232—Burnham, Albea, Merrill

## AN ACT

To provide an optional plan by which the county governing body of all counties having populations of not less than 76,000 nor more than 96,000 according to the most recent federal decennial census may establish two or more voting places within an election precinct, to direct the grouping of names of qualified registered voters within such precinct in alphabetical order and the assignment of such groups to a designated voting place; to require the publication of such group-lists and their respective assignments to voting places within said precinct.

*Be It Enacted by the Legislature of Alabama:*

Section 1. The courts of county commissioners, or like governing bodies in all counties in this state which have populations of not less than 76,000 nor more than 96,000 according to the most recent federal decennial census, may at their option or discretion, designate in their respective counties two or more voting places within the same election precinct when such governing body shall deem it necessary. Such designation shall be by number and the appointed voting places may be within the same or a different building or shelter and without regard to geographical area within the precinct.

Section 2. The judge of probate or other lawful custodian of the list of qualified voters, whose duty it is to publish the list of qualified voters, shall, in those precincts designated by the county governing body pursuant to the authority in the preceding section, separate and group the names of qualified registered voters in alphabetical order, separating the male from the female, so that no group, male and female combined, shall contain more than three hundred qualified registered voters for a voting place where paper ballots are used nor more than six hundred qualified registered voters when voting machines will be used; and said officer shall on his published list of voters assign one such group to a designated voting place within said precinct and furnish such list to the election officers as required by law.

Section 3. The county governing body shall have the authority on adoption of the plan herein authorized to rescind any other division of the election precinct into election districts and in lieu thereof put into effect the plan for designation of voting places pursuant to Section 1 hereof. Said action to adopt the plan herein authorized shall not be mandatory but optional in any precinct, and shall be done not less than thirty days before an election.

Section 4. Whenever such governing body shall have established voting places pursuant to the authority herein contained, no other election district or subdivision of an election precinct into election districts shall be made or recreated until



an order is made and entered upon the minutes of such governing body rescinding or abrogating their previous action hereunder. No such order shall be made within less than sixty days before any primary, special or general election.

Section 5. All laws, or parts of laws, general, local or special, in conflict with the provisions of this Act are hereby repealed.

Section 6. This Act shall become effective immediately upon its approval by the Governor or when it shall otherwise become law.

Approved September 30, 1965.

Time: 10:24 P. M.

Act No. 93

H. 237—Avery

### AN ACT

To regulate the compensation of members of the county board of registrars in all counties having populations of not less than 19,500 nor more than 20,000, according to the most recent federal decennial census; providing for payment of additional compensation from the county treasury.

#### *Be It Enacted by the Legislature of Alabama:*

Section 1. In all counties having populations of not less than 19,500 nor more than 20,000, according to the most recent federal decennial census, each member of the county board of registrars shall receive fifteen dollars (\$15) per day for each day's attendance upon the session of the board. Of this, ten dollars (\$10) per day shall be paid by the state as prescribed by Act No. 531, S. 101, Regular Session 1947 (General Acts 1947, p. 388), as amended, and the remaining five dollars (\$5) shall be paid from the general funds of the county.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 30, 1965.

Time: 10:42 P. M.

Act No. 94

H. 238—Albea, Burnham, Merrill

## AN ACT

To apply only in counties of the State having populations of not less than 76,000 nor more than 96,000 inhabitants according to the last or any subsequent federal decennial census, to further regulate the taking of fish from public streams and impounded waters; authorizing the taking of catfish by the use of wire mesh baskets, on which a privilege license tax has been paid; prohibiting the sale of fish so taken.

*Be It Enacted by the Legislature of Alabama:*

Section 1. The Director of the Department of Conservation is hereby authorized and empowered to promulgate rules and regulations authorizing the taking, catching or killing of non-game fish from the public waters of all counties of the State having populations of not less than 76,000 nor more than 96,000 inhabitants according to the last or any subsequent federal decennial census, by the use of wire baskets having a mesh of one inch or more.

Section 2. Any person desiring a license to fish with such wire basket in areas where they may be legalized by regulation, as provided for above, may apply to the probate judge or other appropriate licensing authority in such county and shall pay a privilege license tax of one dollar (\$1.00) for each wire basket with which he proposes to fish. The judges of probate, license commissioners or other persons authorized and designated to issue fishing licenses shall be entitled to a fee of twenty-five cents for each license so issued, which fee shall be in addition to the amount designated in this Act as the cost of such license. The probate judge shall issue such license on forms provided by the Department of Conservation and shall keep a permanent record of all licenses issued and all taxes received. Licenses shall be issued on a fiscal year basis and all licenses issued in any year shall expire on September 30 of that year.

The revenue derived from the sale of the license provided for in this Act shall be remitted to the Department of Conservation on the first day of each month by the issuing officer and shall be covered into the state treasury to the credit of the game and fish fund.

Section 3. It shall be illegal for any person to obtain more than four (4) such licenses or fish with more than four (4) such baskets.

Section 4. Any basket or baskets that may become legal for use in the waters of such county under the provisions of this Act shall be clearly marked with the name of the licensee

operating, using and owning said basket and the license number of said basket.

Section 5. All wire baskets not marked in accordance with the provisions of the preceding section shall be destroyed upon discovery by any officer, agent or employee of the Department of Conservation.

Section 6. Only non-game fish may be taken, captured or killed by means of any basket that may become legal for use in such county under the provisions of this Act. All game fish taken in such baskets shall immediately be returned to the waters from whence taken with the least possible harm.

Section 7. The licenses provided for in this Act shall not be sold to any person holding a commercial fishing license or engaged in the business of commercial fishing, and it shall be unlawful for any persons holding a wire basket license or using a wire basket under the provisions of this Act to sell or offer for sale any fish within or without such county. (It is the specific intent of this Act to allow the use of wire baskets to catch fish for personal consumption only.)

Section 8. It shall be illegal for any person to raise, inspect or take fish from any wire basket that may be legalized under the provisions of this Act unless such person shall hold in his name and have in his possession the license for the particular basket he is raising, inspecting or from which he is taking fish. Nothing in this section shall prevent the raising of such baskets for inspection by any officer, agent or employee of the Department of Conservation.

Section 9. Any person who violates the provisions of this Act shall be guilty of a misdemeanor, and upon conviction shall be fined not less than twenty-five dollars. In addition, all basket licenses for such person shall be revoked, and no other such licenses shall be issued to him until the expiration of a period of three (3) years from the date of such conviction.

Section 10. All laws or parts of laws, general, local or special, in conflict with this Act are hereby repealed.

Section 11. The provisions of this Act are severable. If any part of this Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 12. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved September 30, 1965.

Time: 10:26 P. M.

Act No. 95

H. 10—Owen (Baldwin)

## AN ACT

To authorize the USS Alabama Battleship Commission to carry fire and casualty, workmen's compensation, and public liability insurance of all kinds and to pay the premiums thereon and to fix the liability in connection therewith and to authorize suits directly against the insurance carriers on any such policies.

*Be It Enacted by the Legislature of Alabama:*

Section 1. The USS Alabama Battleship Commission may provide insurance covering loss or damage to its properties, or any properties of others in its custody, care, or control, or any properties as to which it has any insurable interest, caused by fire or other casualty; and may likewise provide insurance for the payment of damages on account of the injury to or death of persons, and the loss of or destruction of properties of others; and may pay the premiums thereon out of the revenues of the Commission. Nothing herein shall be construed to authorize or permit the institution of any suit or proceeding in any court against the Commission for or on account of any matter referred to in this Act; provided, however, that any contracts of insurance herein authorized may, in the discretion of the Chairman of the Commission, provide for a direct right of action and suit against the insurance carrier for the enforcement of any such claims or causes of action. The liability under any such policy or contract of insurance, arising out of such facts and circumstances as would bring such claim or cause of action within the provisions of Code of Alabama 1940, Title 26, Chapter 5, if the Commission were subject to the provisions of said law, shall be governed by the provisions of said law; provided however, the Chairman of the USS Alabama Battleship Commission may increase the hospital and medical liability coverage if in his opinion he deems such increase of such liability coverage to be in the best interests of the Commission; the liability in all other cases from any such policy or contract of insurance, except to the extent expressly stated to the contrary therein, shall be the same as that imposed by law upon private persons, firms, or corporations in like circumstances.

Section 2. The USS Alabama Battleship Commission may, with the approval of the Governor, enter into contract by bond or policy, with an insurance company authorized to do business in this state, covering a certain amount to be paid to the employees of the Commission, who may be killed or injured in the line and scope of their employment. Provided that the amount paid to such employee on account of death or injury shall not exceed the amount or amounts as provided by

the Workmen's Compensation Act, except that such bond or policy may provide additional benefits not to exceed \$10,000 per employee for the payment of hospital and medical expenses. The premium upon such bond or policy shall be paid out of the revenues of the Commission.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this Act are repealed.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 30, 1965.

Time: 10:47 P. M.

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Act No. 96

H. 122—Engel, McDermott, Hogan  
AN ACT

To amend Code of Alabama 1940, Title 14, Section 432 which relates to trespass on lands.

*Be It Enacted by the Legislature of Alabama:*

Section 1. Code of Alabama 1940, Title 14, Section 432 is hereby amended to read as follows:

"Section 432. Any person who wilfully commits any trespass on the lands of another by cutting down, destroying, or mutilating or carrying off any timber or rails, of the value of less than twenty-five dollars, with intent to convert same to his own use, or by severing from the freehold any products thereof, or any property or thing thereto attached, or by tearing down, mutilating or destroying any building, structure or fixture, of any character or kind thereon, or by destroying or injuring any crops, property or thing thereon, or by plowing up seed that have been planted thereon, shall, on conviction, be fined not more than two hundred dollars, and may also be imprisoned in the county jail or sentenced to hard labor for the county for not more than six months; and so much of the fine as is sufficient to compensate the owner of the property shall go to the injured party, said amount to be determined by the court at the time of the trial."

Section 2. This Act shall become effective immediately

upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 30, 1965.

Time: 10:19 P. M.

Act No. 97

H. 123—Engel, McDermott, Hogan  
AN ACT

To amend Act No. 60, H. 80, 1953 Regular Session (Acts 1953, p. 88) which makes it a misdemeanor for a person to dump, throw, place, or leave garbage, trash, refuse, or other debris upon the land or property of another under certain conditions, and prescribe punishment therefor.

*Be It Enacted by the Legislature of Alabama:*

Section 1. Section 1 of Act No. 60, H. 80, Regular Session 1953 (Acts 1953, p. 88) is hereby amended to read as follows:

"Section 1. Any person who places, puts, throws, leaves, or dumps garbage, refuse, trash, bottles, broken glass, tin cans, or other debris of any kind or character whatsoever, upon lands or property owned by any person, other than himself or his employer, without first obtaining written permission from the owner or person in possession thereof, shall be guilty of a misdemeanor, and upon conviction, shall be fined not more than five hundred dollars, or be sentenced to hard labor for the county for not more than six months, or both, in the discretion of the court."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 30, 1965.

Time: 10:15 P. M.

Act No. 98

H. 136—Edington, Engel, Hogan, Collins  
(Mobile), Downing, McDermott

AN ACT

Relating to automobile license tags; authorizing the chairman of the USS ALABAMA Battleship Commission to use a special tag number.

*Be It Enacted by the Legislature of Alabama:*

Section 1. The chairman of the USS ALABAMA Battleship Commission, which commission was created by Act No. 481, S. 152 Regular Session 1963 (Acts 1963, p. 1029), shall

be entitled to use on the license tags of both his official and private automobiles the insignia BB - 60 which letters and number were the call letters of Battleship USS ALABAMA during its proud service throughout World War II. Upon compliance with the state motor vehicle laws relating to registration and licensing of motor vehicles and upon the payment of the regular license fee for tags, as provided by law, said chairman shall be issued receipts which shall authorize him to cause a special plate or tag to be made bearing the said call letters to be used by him in lieu of any other license number.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 30, 1965.

Time: 10:58 P. M.

Act No. 99

H. 142—Edington, Hogan, Collins (Mobile),  
Downing

### AN ACT

Providing for the recovery of damages from the parents of minors under eighteen years of age for willful or malicious destruction of property; limiting the amount to Five Hundred and No/100 Dollars (\$500.00), but not limiting the liability of parents as the same may otherwise exist.

*Be It Enacted by the Legislature of Alabama:*

Section 1. Respecting any minor under the age of eighteen years, the parent or parents with whom such minor is living and having custody of such minor, shall be liable for the actual damages sustained, but not exceeding the sum of Five Hundred and No/100 Dollars (\$500.00), plus the court costs of the action, to any person, firm, association, corporation and the State of Alabama and its political subdivision, all damages proximately caused by the injury to, or destruction of any property, real, personal or mixed by the intentional or willful or malicious act or acts of such minor.

Section 2. Nothing in this Act shall be construed to limit the liability of any such parent or parents as the same may now otherwise exist under the laws of the State of Alabama.

Section 3. This Act shall become effective immediately

upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 30, 1965.

Time: 10:59 P. M.

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Act No. 100

H. 145—Rogers, Jones (Monroe)

AN ACT

To provide for the service of process on necessary parties in certain partition proceedings in equity court.

*Be It Enacted by the Legislature of Alabama:*

Section 1. When it is necessary to make any person a party defendant in any partition proceedings brought under the provisions of Article II of Chapter 6 of Title 47, Code of Alabama 1940, for partition sale of land, or any interest therein and the complaints, after exercising reasonable diligence, is unable to locate the whereabouts, and to ascertain whether any such defendant is alive at the time of the filing of the bill, the facts showing just what diligence the complainant has exercised must be specifically alleged in the bill, and such defendant may then be made a party, by publication as in the case of unknown defendants, in his name followed by the words: "\_\_\_\_\_ and his heirs or devisees, if deceased. If the defendant so sued does not appear in person or by attorney before expiration of the time for filing pleadings in the case, the court shall appoint a guardian ad litem to represent his interest. A valid decree may be rendered against such defendant, binding on both him and his heirs or devisees, regardless of whether it be later shown that such defendant was or was not living at the time of the filing of the bill of complaint.

Section 2. This Act is cumulative.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 30, 1965.

Time: 10:57 P. M.

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Act No. 101

H. 229—Cates

AN ACT

To apply only in counties having populations of not less than 31,500 nor more than 33,500; regulating the number and compensation of deputy sheriffs in such counties.



*Be It Enacted by the Legislature of Alabama:*

Section 1. In all counties having populations of not less than 31,500 nor more than 33,500, according to the most recent federal decennial census, the chief deputy sheriff and such other deputies, including jailers, as may be authorized by general, special, or local laws, whose compensation is paid by the county as fixed by law shall each be entitled to additional compensation in an amount not exceeding \$50 a month, as fixed and determined by the court of county commissioners, board of revenue, or other like county governing body.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 30, 1965.

Time: 10:55 P. M.

Act No. 102

H.J.R. 16—Callahan, Brown (Tuscaloosa)

### HOUSE JOINT RESOLUTION

WHEREAS, on the 2nd day of September, 1965 death claimed the Honorable Chester Walker, age 66, former Probate Judge of Tuscaloosa County; and

WHEREAS, Judge Walker served his county as Probate Judge for twenty-two years and later served his State as Assistant to the Commissioner of Revenue during the administration of John Patterson, Governor of Alabama; and

WHEREAS, the entire life of Judge Walker was spent in the service of his fellowman and his personal conduct exemplified all the characteristics of a true Southern gentleman in all that the words imply; and

WHEREAS, he served his church in every capacity except that of Pastor, being a teacher of the Bill Brandon Bible Class of the First Methodist Church of Tuscaloosa at the time of his death; and

WHEREAS, he was an ever-loving husband and father and left surviving him, his widow, two daughters and a son; and

WHEREAS, he will be missed by not only his family but a host of friends throughout Tuscaloosa County and the State of Alabama:

NOW THEREFORE BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, THE Legislature notes with deep regret the passing of this good man and sends its sympathy to the family and to his friends throughout Alabama.

BE IT FURTHER RESOLVED that a copy of this Resolution be sent to the widow, Mrs. Eugenia Walker and that a copy be sent to his Pastor, John A. Chitwood, Pastor of the First Methodist Church of Tuscaloosa.

Approved September 30, 1965.

Time: 10:56 P. M.

Act No. 103

H.J.R. 20—Holladay

### HOUSE JOINT RESOLUTION

WHEREAS former State Senator Samuel Roland High of Ashville passed away on September 21, 1965, at the venerable age of 88; and

WHEREAS Senator High was a distinguished and beloved gentleman whose intelligence, integrity, and devotion to duty contributed greatly to the progress of his community and State, and earned for him the respect, admiration, and warm affection of a multitude of friends, associates, and acquaintances; and

WHEREAS during his lifetime Senator High served willingly and with outstanding ability as Senator from St. Clair and Etowah Counties for two terms, as Probate Judge of St. Clair County for one term, as Mayor and as Alderman of Ashville for several terms each, and as a member of the State Democratic Executive Committee for one term; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we mourn the death of Senator High, whose presence will be sorely missed, but whose fine character, amiability, and outstanding accomplishments will long be remembered, by all who knew him, and we extend our sincere and heartfelt sympathy to the surviving members of his family.

BE IT FURTHER RESOLVED That copies of this Resolution be sent to Senator High's widow, Mrs. Betty High, and to their daughters, Mrs. Josephine Wright and Mrs. Sally Grimmer.

Approved September 30, 1965.

Time: 10:48 P. M.

## AN ACT

Relating to the powers of cities having a population of not less than 70,000 and not more than 120,000 according to the last or any subsequent federal decennial census; authorizing the governing bodies of such cities to adopt ordinances which protect the historic character of the city, including designating historic districts, defining the boundaries of such districts, establishing certain agencies, procedures and regulations to promote the preservation of such districts, conferring certain duties and powers upon such agencies, and adopting other provisions necessary to effect the purposes of this Act.

*Be It Enacted by the Legislature of Alabama:*

Section 1. The governing body of any city having a population of not less than 70,000 and not more than 120,000 according to the last or any subsequent federal decennial census may from time to time adopt ordinances to protect the historic character of the city in the manner hereinafter provided.

Section 2. Such city governing body may by ordinances designate as an Historic Preservation District a district within the corporate limits of such city, which district such city governing body shall determine possess such historic significance by reason of antiquity, architecture, historic importance of persons or events identified therewith or, by reason of the existence within the boundaries thereof, as same shall be defined by such ordinance or ordinances, of such number of historic structures or sites, or combination thereof together with other relevant characteristics as to give to such district as a whole a character of historic significance worthy of preservation for the protection of the historic character of the city, in the interest of the general welfare of its inhabitants, including the promotion and preservation of its educational, cultural and economic interests, opportunities and advantages through the preservation and protection of historic buildings and structures and places and areas of historic interest, the preservation, protection and maintenance of such buildings, structures, places and areas as landmarks in the history of the Territory and State of Alabama and the city commemorative of the events, circumstances, persons and architecture associated therewith and tangible reminders thereof and the preservation and protection of appropriate settings and environments for such buildings, structures, places and areas and the promotion, development and preservation of the economy, commerce and industry of the State of Alabama and the city by the preservation and protection of such buildings, structures, places and areas and of appropriate settings and environments therefor, and the preservation of the economic value of property within such districts. PROVIDED, HOWEVER, that the bound-

aries of such Historic Preservation District shall not include any area which lies within the boundaries of any urban renewal project previously approved by the city governing body. However, no ordinance designating an Historic Preservation District, as hereinabove provide, shall become effective unless the establishment of such district is approved at a referendum election as hereinafter provided. When the city governing body adopts an ordinance designating an Historic Preservation District it shall also designate a day for holding a referendum election at which every qualified elector residing within the area of the city included within the proposed district shall be entitled to vote. The city governing body shall also provide for the holding of such election, and for giving notice thereof to all such qualified electors who reside within such district by letter, addressed to each of such qualified electors at his last known address, mailed to him, postage prepaid at least thirty days prior to the date of the election. The question shall be submitted in substantially the following form. "Do you favor establishment of the Historic Preservation District designated by the city governing body of \_\_\_\_\_ in an ordinance adopted on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_. Yes \_\_\_\_ No \_\_\_\_."

If eighty percent of the votes cast at such election are in favor of establishing the Historic Preservation District, the ordinance shall become effective immediately. If less than eighty percent of the votes cast at such election are in favor of establishing such district then the ordinance shall have no further force or effect.

Section 3. Within the meaning of this Act the term "Historic Preservation District" shall mean a district so designated and the boundaries of which are so defined by such city governing body. Except as shall be made otherwise to appear in context, the term "Commission" as used in this Act shall mean "Historic Preservation Commission."

Section 4. Such city governing body may by such ordinances establish an Historic Preservation Commission for the purposes of accomplishing such preservation and thereupon the mayor shall, subject to the approval of the city governing body, appoint and from time to time replace the members thereof, as hereinafter provided. By city ordinance, the Commission may be vested with any or all of the duties and powers hereafter enumerated.

A. (1) Such Commission shall be composed of nine members, including one member of the city governing body designated by it, the Director of the Planning Commission for the city and the City Building Inspector. (2) The members

of said Commission first appointed, except the Director of the City Planning Commission, the City Building Inspector and the member of the city governing body, who shall all serve by virtue of, and whose terms shall correspond with the terms of their respective offices, shall serve for terms of one, two, three, four, five and six years, respectively, as shall be specified by the mayor at the time of their appointment. Thereafter the members of the Commission, except at the ex officio members, shall serve for terms of six years. At the expiration of the term or the death or resignation of any member the resulting vacancy shall be filled for the unexpired term of such member in the same manner as provided above. A member may be appointed to serve a second term; but no member shall serve more than two terms, except the ex officio members. Otherwise, no distinction shall be made between the ex officio and other members of the Commission.

B. (1) The Commission shall meet regularly at an established time and place at least once in each month and specially upon call by the Chairman or Secretary and forty-eight hours notice to each member for purposes specified in the notice of call only. A chairman elected by the Commission from its membership shall preside at its meetings, or in his absence a chairman pro tempore likewise elected. Minutes of its meetings shall be kept by the Director of the City Planning Commission, who shall be the Secretary of the Commission, or by a stenographer or reporter designated by him and under his direction. Such minutes shall be signed by the Secretary of the Commission, and shall accurately reflect all matters brought before the Commission, its proceedings and determination thereon, including the votes of its members, and shall be permanently retained as official records of the city. Five members of the Commission shall constitute a quorum for the transaction of any business at its meetings. All meetings of the Commission shall be open to the public. Its proceedings shall be governed by such reasonable rules and regulations as it shall adopt, consistent with law and accepted parliamentary procedure. (2) Members of the Commission shall receive no compensation for their service thereon. (3) Upon any matter coming before the Commission in which any member has a personal interest he shall state same and disqualify himself from deliberations and voting thereupon.

C. (1) The Commission shall have no authority to obligate the city for any debt or expenditure beyond such sums as the city governing body may see fit to appropriate from time to time for its use. (2) Any contract or other instrument for any purpose hereunder authorized to be made by the Commission shall be executed in the name of the city

by the mayor and attested by the clerk-treasurer, who shall affix the seal of the city, upon the authority of a resolution duly adopted by the Commission. (3) All funds of the Commission shall be held, administered and accounted by the city clerk-treasurer in like manner as other city funds and likewise disbursed upon the authority of a resolution duly adopted by the Commission. (4) (a) The Commission may provide for the public showing of buildings and structures within Historic Preservation Districts to interested groups and organizations under such agreements as the owners thereof shall deem proper. (4) (b) Subject to the availability of funds therefor, the Commission may cause suitable markers to be posted at, upon or adjacent to Historic Preservation Districts or the entrances thereto and sites, buildings and structures therein situated and may accord such priorities therein as it deems proper, provided that markers shall be placed on private property only upon approval of the owner or owners. (5) Within or touching upon the boundaries of any Historic Preservation District, no change shall be made in or upon any public street, way or park without the plan therefor having been submitted to the Commission for the expression of its recommendations with relation thereto prior to the commencement of such work.

Section 5. A. It shall be the duty of the Commission to pass upon the appropriateness of: (1) The exterior architectural features of buildings and structures to be erected, constructed, reconstructed, altered, renovated or restored within any Historic Preservation District, except as hereinafter provided. (2) The removal or demolition of any structure or building within any Historic Preservation District. (3) The erection of any sign within any Historic Preservation District, provided however, that passing on the appropriateness of a marker identifying the address and occupants of a residence shall not be within the province of the Commission.

B. In passing upon the appropriateness of any of the foregoing, the Commission shall consider: (1) The historical or architectural value and significance of the building or structure which is proposed to be reconstructed, altered, demolished or removed and its relationship and congruity with the historic value of the District as a whole and adjacent buildings or structures in particular. (2) The appropriateness of the exterior architectural features of the building or structure which is proposed to be constructed, reconstructed, or altered in relationship to such Historic Preservation District and the exterior architectural features of other buildings and structures therein as a whole and adjacent buildings or struc-

tures in particular and to the boundaries, terrain and other significant features of the lot upon which it is proposed to be constructed and to similar features of the surrounding land area. (3) The general exterior design, materials and color proposed to be used in the buildings, construction, reconstruction, or alteration of the building or structure and the type of windows, exterior doors, lights, signs and other fixtures and appurtenances which will be visible from any public street, way, park or place. (4) The size, shape, location, elevation, colors and design of any sign proposed to be erected, the legend upon same, the type and location of any illumination thereof, and other factors relevant to the appropriateness of such sign to its proposed location.

C. In passing upon the appropriateness of any of those things enumerated above the Commission shall not consider interior arrangement or features of a building or structure which are not visible from any public street, way or place, the authority of the Commission being hereby limited to the prevention of such things within said enumerated classes as would be obviously incongruous to the architectural or historic aspects of such structure or to its surroundings within such Historic Preservation District.

D. The Commission shall promulgate and shall keep available to the public for the information and guidance of property owners, developers, builders, architects and others concerned regulations which the Commission shall apply in giving its consideration to the appropriateness of the foregoing subjects required to be submitted to it therefor and which shall be as objective as shall be practicable in view of the purpose of historic preservation hereinbefore stated. All such regulations shall be published as provided by law for the publication of ordinances, and before adoption a public hearing shall be held thereon.

E. The Commission shall have no authority concerning the use of property, which shall continue to be regulated by any applicable zoning regulations of the city; but the Commission shall consider the height, the setback from street and property boundary lines, and the building area relative to lot area of buildings and structures proposed to be constructed, reconstructed, altered or renovated. As to any of same the Commission shall make such suggestions relating to the proposed work and such recommendations relating to the grant of exceptions to the applicable zoning limitations as it shall deem appropriate and consistent with the purpose of historic preservation hereinbefore stated.

Section 6. A. Unless a certificate of appropriateness

therefor shall have been issued by the Commission: (1) No building or structure shall be erected, constructed, reconstructed, altered, restored or renovated within any Historic Preservation District. No certificate of appropriateness however shall be required for any repainting, repair or maintenance of any building or structure which effects no material alteration or change in the exterior architectural features or appearances thereof. (2) No building or structure shall be demolished or removed within any Historic Preservation District. (3) No sign other than a marker identifying the address and occupants of a home shall be erected within any Historic Preservation District, except street, traffic and like signs erected by public authority.

B. Application shall be made for such certificate of appropriateness to the Secretary of the Commission upon forms to be provided therefor, accompanied by full and detailed plans and specifications or other description of the work to be done, together with such other information as the Commission may reasonably require.

C. The Commission shall act upon every such application as promptly as shall be practicable and issue to the applicant its certificate of appropriateness thereupon, with or without conditions, or its written disapproval, specifying the reasons therefor. Unless the Commission shall so act within thirty days after the filing of any such application, or such extended time as may be agreed in writing by the applicant, its certificate of appropriateness without conditions shall be deemed to have been issued.

D. An application to erect, construct, reconstruct, alter, restore or renovate, or to demolish, raze or remove a structure or building within any Historic Preservation District, which has been disapproved, shall not be re-submitted, unless amended to eliminate therefrom the reasons for prior disapproval, within four months thereafter. Provided, however, after the expiration of thirty days from the date of a re-submission of an application to demolish, raze or remove a building, unless the Commission within such thirty-day period shall have granted written approval of such application, the property owner shall have an absolute right to demolish, raze or remove the structure or building and may proceed therewith.

E. The determination of the Commission upon an application may be reviewed by the governing body of the municipality upon written application therefor being filed with such municipal governing body within fifteen days after the Commission renders its decision; and such municipal governing body shall investigate all the facts involved and may call



and examine witnesses to the same extent that the Historical Preservation Commission can. The decision of the municipal governing body may be reviewed, upon writ of certiorari by the Circuit Court having jurisdiction of the res, provided, petition therefor is filed in such Court within sixty days following the issuance of the decision by the municipal governing body. Copy of the petition for the writ shall be served on the Secretary of the Commission. Upon such review the Court shall consider the issues de novo.

Section 7. The city governing body may also adopt by ordinance such other regulations as are necessary to effect the purposes of this Act not inconsistent with the provisions hereof.

Section 8. The violation of any ordinance or regulation duly adopted pursuant hereto shall be punishable as a misdemeanor. Also, equitable relief shall be available for the enforcement of this Act or ordinances promulgated pursuant thereto.

Section 9. All laws or parts of laws which are in conflict with this Act are, to such extent, hereby repealed.

Section 10. All provisions, sections and sub-sections of this Act are severable. If any part, provision, section or sub-section of the Act is declared invalid or unconstitutional, such declaration shall not affect the parts, provisions, sections and sub-sections that remain.

Section 11. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 30, 1965.

Time: 10:46 P. M.

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Act No. 105

S. 28—Carter, Wilson

### AN ACT

To authorize the boards of revenue, courts of county commissioners or other like governing bodies of the counties in this State to provide further for eliminating voting more than once by any person in any election in their respective counties by providing by resolution or ordinance for the identification of persons who vote; to prescribe the manner of identifying voters; to place certain duties relative to identifying voters on election officers; and to prescribe penalties.

*Be It Enacted by the Legislature of Alabama:*

Section 1. The Board of revenue, court of county com-

missioners or other like governing body of every county in this State is hereby authorized, by resolution or ordinance, to provide for and require the identification of persons who vote at general, primary, special or municipal elections in the county. The resolution or ordinance shall require all persons offering to vote to pass their hands under a light or some other device specially designed to make the voter's stamp or mark, hereinafter provided for, visible before a ballot is delivered to him or he is permitted to enter the voting machine, as the case may be; and to submit to the stamping or marking of one of his hands, as hereinafter provided upon placing his ballot in the box or other receptacle provided for paper ballots or upon leaving the voting machine. It shall also direct the election officials conducting the election before permitting a person to vote at the election to examine the voter's hands to be sure that he has not previously voted at such election, and upon a voter's casting his ballot to mark or stamp one of his hands in the manner hereinafter prescribed. Marking or stamping of a voter's hand shall be done by a stamp or mark thereon made with a powder, liquid or other substance which is not visible on human skin to the naked eye under normal lighting conditions, whether natural daylight or customary electric lighting, but which shows up or is clearly visible on human skin when a special or certain type of light ray is projected thereon. The powder, liquid or other substance shall also be of a type which cannot be rubbed off, erased, washed off, or removed and will not disappear from normal human skin for at least twelve hours.

Section 2. Every board of revenue, court of county commissioners or other governing body in this State which enacts an ordinance or adopts a resolution requiring the identification of voters shall procure an adequate amount of the powder, liquid or other substance to be used to mark voters, proper equipment for applying the substance to the skin of one of the voter's hands, and an adequate number of lights or other devices for projecting the special rays which make such powder, liquid or other substance visible and shall supply such powder, liquid or other substance to the election officials at each polling place at the same time that other election materials are supplied. The cost of all such powder, liquid or other marking substance, the equipment necessary to apply it and the lamps or other devices for making it visible shall be paid out of the county treasury.

Section 3. No person who refuses to have his hands examined by an election official under the special light ray and no person who refuses to permit one of his hands to be marked, so as to identify him as a person who has voted, shall

be permitted to vote in any election, general, special, primary or municipal in a county after the board of revenue, court of county commissioners or other like governing body of the county has adopted an ordinance or a resolution requiring such identification of voters.

Section 4. Any inspector, clerk or other election officer who wilfully neglects or fails to perform a duty placed on him by this Act or is guilty of any corrupt conduct in the performance of such duty must, on conviction, be fined not less than one hundred nor more than one thousand dollars; but no person shall be deemed an inspector, clerk or officer within the meaning of this section until he first shall have taken an oath well and truly to discharge the duties of such office to the best of his ability, or until he shall have performed some of the duties pertaining to such office.

Section 5. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. All laws or parts of laws which conflict with this Act are repealed.

Section 7. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 30, 1965.

Time: 10:39 P. M.

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Act No. 106

S. 52—Cooper

### AN ACT

To apply only in counties of the State having populations of not less than 18,000 nor more than 19,400 inhabitants according to the last or any subsequent federal decennial census, to further regulate the taking of fish from public streams and impounded waters; authorizing the taking of catfish by the use of wire mesh baskets, on which a privilege license tax has been paid; prohibiting the sale of fish so taken.

*Be It Enacted by the Legislature of Alabama:*

Section 1. The Director of the Department of Conservation is hereby authorized and empowered to promulgate rules and regulations authorizing the taking, catching or killing of non-game fish from the public waters of all counties of the State having populations of not less than 18,000 nor more than 19,400 inhabitants according to the last or any subsequent federal decennial census, by the use of wire baskets having a mesh of one inch or more, provided, however, that

the Director of the Department of Conservation shall only promulgate such a regulation upon the written petition of the State representatives and state senator from such county.

Section 2. Any person desiring a license to fish with such wire basket in areas where they may be legalized by regulation, as provided for above, may apply to the probate judge or other appropriate licensing authority in such county and shall pay a privilege license tax of one dollar (\$1.00) for each wire basket with which he proposes to fish. The judges of probate, license commissioners or other persons authorized and designated to issue fishing licenses shall be entitled to a fee of twenty-five cents (25c) for each license so issued, which fee shall be in addition to the amount designated in this Act as the cost of such license. The probate judge shall issue such license on forms provided by the Department of Conservation and shall keep a permanent record of all licenses issued and all taxes received. Licenses shall be issued on a fiscal year basis and all licenses issued in any year shall expire on September 30 of that year.

The revenue derived from the sale of the license provided for in this Act shall be remitted to the Department of Conservation on the first day of each month by the issuing officer and shall be covered into the state treasury to the credit of the game and fish fund.

Section 3. It shall be illegal for any person to obtain more than four (4) such licenses or fish with more than four (4) such baskets.

Section 4. Any basket or baskets that may become legal for use in the waters of such county under the provisions of this Act shall be clearly marked with the name of the licensee operating, using and owning said basket and the license number of said basket.

Section 5. All wire baskets not marked in accordance with the provisions of the preceding section shall be destroyed upon discovery by any officer, agent or employee of the Department of Conservation.

Section 6. Only non-game fish may be taken, captured or killed by means of any basket that may become legal for use in such county under the provisions of this Act. All game fish taken in such baskets shall immediately be returned to the waters from whence taken with the least possible harm.

Section 7. The licenses provided for in this Act shall not be sold to any person holding a commercial fishing license

or engaged in the business of commercial fishing, and it shall be unlawful for any persons holding a wire basket license or using a wire basket under the provisions of this Act to sell or offer for sale any fish within or without such county. (It is the specific intent of this Act to allow the use of wire baskets to catch fish for personal consumption only.)

Section 8. It shall be illegal for any person to raise, inspect or take fish from any wire basket that may be legalized under the provisions of this Act unless such person shall hold in his name and have in his possession the license for the particular basket he is raising, inspecting or from which he is taking fish. Nothing in this section shall prevent the raising of such baskets for inspection by any officer, agent or employee of the Department of Conservation.

Section 9. Any person who violates the provisions of this Act shall be guilty of a misdemeanor, and upon conviction shall be fined not less than twenty-five dollars (\$25.00). In addition, all basket licenses for such person shall be revoked and no other such licenses shall be issued to him until the expiration of a period of three (3) years from the date of such conviction.

Section 10. All laws or parts of laws, general, local or special, in conflict with this Act are hereby repealed.

Section 11. The provisions of this Act are severable. If any part of this Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 12. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved September 30, 1965.

Time: 10:43 P. M.

Act No. 107

S. 53—Evans

### AN ACT

To make an appropriation to the department of public safety for certain capital outlay purposes.

*Be It Enacted by the Legislature of Alabama:*

Section 1. The sum of \$35,000 or so much thereof as may be necessary is hereby appropriated from the general fund in the state treasury to the use of the department of public safety, for the construction and equipment of a highway patrol substation at Grove Hill.

Section 2. This Act shall become effective October 1, 1965.

Approved September 30, 1965.

Time: 10:20 P. M.

Act No. 108

S. 110—Roberts

### AN ACT

To fix and regulate the fees of witnesses in criminal cases in the county court and circuit court of counties having populations of not less than 110,000 nor more than 160,000, and to provide for the payment thereof and to provide for the collection of witness fees from defendant convicted and for the disposition of the same.

#### *Be It Enacted by the Legislature of Alabama:*

Section 1. In all counties having populations of not less than 110,000 nor more than 160,000, according to the most recent federal decennial census, witnesses in criminal cases in the county court, except in preliminary hearings, and in the circuit court of the county, and before the grand jury of said county, are entitled to seventy-five cents per day and five cents per mile to and from their residence by the route usually traveled.

Section 2. The fees of such witnesses subpoenaed on the part of the State to appear at the county court, except in preliminary hearings, or the circuit court or before the grand jury of said county, shall be preferred claims against the general fund of said county.

Section 3. All witness fees collected by the clerk of the court shall be paid by him into the general fund of the county treasury, and provided further that the fees of witnesses shall be collected by said clerk, as now fixed and provided by law, the true intent and purpose of this Act being to pay the state witnesses cash for their attendance at the court, and to collect the fees as now fixed by law for the benefit of the county treasury.

Section 4. This Act shall take effect immediately upon its approval by the Governor, or upon its otherwise becoming a law.

Approved September 30, 1965.

Time: 10:45 P. M.

Act No. 109

S. 116—Lolley

## AN ACT

To amend further Section 1 of Act No. 493 adopted at the 1955 Regular Session of the Legislature of Alabama as the same has been previously amended, relating to municipal public building authorities.

*Be It Enacted by the Legislature of Alabama:*

Section 1 of Act No. 493 adopted at the 1955 Regular Session of the Legislature of Alabama, as the said section has been heretofore amended, shall be and the same is hereby further amended so that the said section shall read in its entirety as follows:

"Section 1. Definitions.—The following words and phrases, including the plural of any thereof, whenever used in this act, shall in the absence of clear implication herein otherwise have the following respective meanings:

'The corporation' means a corporation organized pursuant to the provisions of this act.

'Board' means the board of directors of the corporation.

'The state' means the state of Alabama.

'The municipality' means that incorporated city or town in the state which authorized the organization of the corporation.

'The county' means that county in which the certificate of incorporation of the corporation shall be filed for record.

'Local subdivision' means the municipality or the county.

'Public corporation' means (a) any public corporation (other than a corporation organized under this act) now or hereafter organized or created in the state pursuant to the authorization or determination by the municipality, by the municipality and one or more other cities and towns in the state, by the county, by the county and one or more counties in this state, or by the governing body of any thereof, and (b) the board of education of the municipality or of the county.

'United States' means the United States of America or any of its agencies or instrumentalities.

'Governing body' means the council, board of commissioners or other like body in which the legislative functions of the municipality are vested by law.

'Project' means a building or buildings located or to be located in the municipality or in its police jurisdiction and de-

signed for use and occupancy as a courthouse, jail, city or town hall, auditorium, music hall, art gallery, art center, museum, municipal building, or post office, or for the supplying of office, warehousing, storage or related facilities for officers and departments of the municipality, the county, any public corporation, any public utility subject to regulation by the public service commission, any agencies for which the municipality, the county or any public corporation may lawfully furnish office, warehousing, storage or related facilities, and the United States, or any one or more thereof, together with any lands deemed by the board to be desirable in connection therewith.

'Bond' means any bond authorized to be issued pursuant to the provisions of this act, including refunding bonds.

'Coupon' means any interest coupon evidencing an installment of interest payable with respect to a bond.

'Indenture' means a mortgage, an indenture of mortgage, deed of trust, trust agreement or trust indenture executed by the corporation as security for any bonds."

Approved September 30, 1965.

Time: 10:41 P.M.

Act No. 110

S.J.R. 11—Dumas

#### SENATE JOINT RESOLUTION

BE IT RESOLVED BY THE SENATE, THE HOUSE OF REPRESENTATIVES CONCURRING, That the Alabama Power Company be requested to make a lighting survey of the House and Senate Chambers as soon as convenient and report its findings to the Secretary of the Senate and the Clerk of the House.

Approved September 30, 1965.

Time: 10:30 P. M.

Act No. 111

S. J. R. 12—McDow

#### SENATE JOINT RESOLUTION

WHEREAS Mr. Robert Marion Tucker, Sr., of Clanton passed away September 9, 1965; and

WHEREAS "Ben" Tucker, Editor-Publisher of the Chilton County News for many years, rendered countless valuable services to his community by his interest in the schools, civic



affairs, politics, and industrial development of the County and by his willingness to devote his time and abilities to their growth and improvement; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we mourn the death of Mr. Tucker and extend our sincere and heartfelt sympathy to the surviving members of his family.

BE IT FURTHER RESOLVED That copies of this Resolution be sent to his widow, Mrs. Myrtle Wilkins Tucker; their daughters, Mrs. L. R. West and Mrs. James Andrews; and their son, Mr. Robert M. Tucker, Jr.

Approved September 30, 1965.

Time: 10:29 P. M.

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Act No. 112

H. 2—Powell, Turnham, Grouby

### AN ACT

To further amend Section 2, 3, and 4 of Act No. 474, regular session, Acts of Alabama 1953, entitled "An Act to provide supernumerary circuit solicitors of the State of Alabama; to provide the conditions under which a circuit solicitor may become a supernumerary circuit solicitor; to prescribe the qualifications, duties, powers, authority, compensation, method of removal from office of such supernumerary circuit solicitors; to provide for filling vacancies created by a circuit solicitor becoming a supernumerary circuit solicitor; to provide for reimbursement to such supernumerary circuit solicitors their reasonable expenses incurred for traveling on official business in counties other than that of their residence, and to appropriate funds for the payment of compensation and expenses of such supernumerary circuit solicitors," (Acts of Alabama 1953, Vol. I, page 589).

*Be It Enacted by the Legislature of Alabama:*

Section 1. Section 2 of Act No. 474, Acts of Alabama, regular session 1953, Volume 1, page 589 is amended to read as follows:

"Section 2. Such supernumerary circuit solicitors shall take the oath of office prescribed by the Constitution for judicial officers and shall have and exercise all the duties, power and authority of solicitors of the judicial circuits or circuit courts, and shall, upon request of the Governor, or the Chief Justice of the Supreme Court, or the Attorney General, conduct investigations, attend any regular, adjourned or special session of any circuit court in any of the judicial circuits of Alabama for the investigation of or the prosecution of any criminal case, or the prosecution or defense of any cause in which the State is interested. The Governor, any member of the Supreme Court or Court of Appeals, or the

Attorney General may request a supernumerary circuit solicitor to perform duties as those prescribed for Assistant Attorneys General, either in their respective offices or at such other places within or without the State as such official may assign him. When on such special assignment at the request or designation of one of the aforementioned officials and performing duties as those prescribed for Assistant Attorneys General, the supernumerary circuit solicitor shall have all the powers and authority of an Assistant Attorney General and shall be entitled to the same amount of sick leave and annual leave that accrues to an Assistant Attorney General, and while performing such duties at the request of the Attorney General, he shall be designated as a Special Assistant Attorney General."

Section 2. Section 3 of said Act No. 474, is amended to read as follows:

"Section 3. The term of office of a supernumerary circuit solicitor shall begin upon the date of the issuance of the commission hereinabove provided. Each such supernumerary circuit solicitor now designated Special Assistant Attorney General or when designated to perform duties such as prescribed for Assistant Attorneys General, by the Governor, any member of the Supreme Court or Court of Appeals, or the Attorney General shall receive as salary a sum equal to the maximum pay fixed for the classification Attorney II in the classified service under the merit system. Upon receipt by the Comptroller of such designation in writing by any of the aforementioned requesting officials, such salary shall be payable monthly out of the treasury as other judicial salaries are paid, for the payment of which an appropriation is hereby made. A supernumerary circuit solicitor requested and designated to perform duties as herein prescribed or now serving as Special Assistant Attorney General shall only be removed by impeachment for the causes specified in Section 173 of the Constitution, and in like manner as is provided for the impeachment of circuit solicitors, however, should he not be requested to perform such duties as herein specified he shall receive compensation as formerly received pursuant to Act No. 629, Acts of Alabama 1961, Vol. I, page 748.

Section 3. Section 4 of said Act No. 474 is hereby amended to read as follows:

"Section 4. The actual expense of transportation, subsistence, and lodging incurred by such supernumerary solicitor in performance of his duties in counties other than in his circuit or outside the state shall be refunded to him upon his filing a verified statement thereof with the official re-

requesting his services as herein provided in Section 2 and 3, and if such requesting official shall find it reasonable he shall approve it and transmit it to the Comptroller, who shall thereupon draw a warrant in favor of such supernumerary circuit solicitor for such amount from any funds in the State Treasury not otherwise appropriated. A supernumerary circuit solicitor performing duties pursuant to this Act shall be furnished with the necessary equipment and supplies to perform his duties, and he shall be entitled to the same mileage allowed for travel in his private or personal automobile as that allowed for other State employees for like travel."

Section 4. This Act shall not repeal or qualify Act Number 31, Acts of Alabama, special session 1950-51, pages 79-80 or Act No. 467, regular session, 1963, nor Act No. 246 of the 1959 regular session, nor effect any commission previously issued to any supernumerary circuit solicitor, which said acts or commissions shall remain in full force and effect.

Section 5. If any provision in this act is held to be unconstitutional or invalid, the remainder of the act shall not be affected thereby, and should any provision of this act be held invalid then the corresponding section of Act No. 629, Acts of Alabama, 1961, Vol. I, page 748, shall remain in full force and effect.

Section 6. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 30, 1965.

Time: 10:54 P. M.

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Act No. 113

H. 54—Baker (DeKalb)

### AN ACT

To regulate the compensation of the members of the county board of education in all counties having populations of not less than 38,000 nor more than 45,000, according to the most recent federal decennial census.

*Be It Enacted by the Legislature of Alabama:*

Section 1. The members of the county board of education of any county having a population of not less than 38,000 nor more than 45,000, according to the most recent federal decennial census, shall each receive from the public school funds of the county, as compensation for their services, fifteen dollars (\$15) per day for each day in which they are actually attending meetings and transacting business of the board. The compensation

herein provided shall be in addition to any expense or travel allowances provided for members of such boards. Provided, however, the members of the county board shall not be allowed pay for more than twenty-four days in any one year.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 30, 1965.

Time: 11:18 P. M.

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Act No. 114                      H. 201—Rast, Etheredge, Sessions, Bowers,  
   Collins (Jefferson), Bailes, (M)  
   Bethea, Meeks, Vacca

### AN ACT

To amend Section 4 of Act No. 547, Regular Session, 1965, relating to the establishment of a civic center in the municipality wherein there is located the county seat of any county of the State having a populaion of more than 500,000, approved August 20, 1965.

*Be It Enacted by the Legislature of Alabama:*

#### Section 1.

Section 4, Act No. 547, Regular Session, 1965, relating to the establishment of a civic center in the municipality wherein there is located the county seat of any county of the State having a population of more than 500,000 according to the last or any subsequent Federal Census approved August 20, 1965, be and the same is hereby amended to read as follows:

“Section 4. There is hereby established in the County a public corporation for the purposes hereinafter specified, which corporation shall be vested with the powers conferred upon it by this act. The said public corporation is at times hereinafter referred to as “the Authority”.

Subject to the conditions and qualifications hereinafter stated, the name of the said corporation shall be “Civic Center Authority of the Cities and County of \_\_\_\_\_ County” (In the blank space will be inserted the name of the County). The Board of Directors of the Authority may choose some name other than that above specified at any time it elects to do so; provided, however, that if the Board of Directors chooses any other name there shall be filed for

record in the office of the Probate Judge of the County a copy of the resolution of the Board of Directors stating the name adopted by the Authority, which resolution shall be followed by a certificate signed by the Chairman of the Board of Directors stating the date on which the resolution was adopted and stating that the copy of the resolution preceding said certificate is a true and correct copy of the resolution adopted by the Board of Directors. The term "Legislative Electoral College", as used in this Section, shall mean that group of legislators who shall elect the elective members of the Board of Directors of the Authority, which group of legislators shall consist of the following: Each member of the House of Representatives of the Legislature of Alabama from that representative district in which the County is located and each member of the State Senate from that senatorial district in which the County is situated.

The affairs of the Authority shall be managed and controlled by a Board of Directors consisting of five members; provided that the first Board shall consist of six members. One of said members shall be the Mayor or chief executive officer of the largest municipality in the county; and one of the members of said Board shall be the President or Chairman of the governing body of the County. The remaining members shall be elected in the manner hereinafter prescribed; provided, however, that if there shall be a branch court house in the County, one of the members of the Board shall be a resident of the area served by such branch court house. The Chairman of the Board of Directors shall be elected by said Board after all members of the Board shall have been elected and qualified as such.

Within thirty days after the adoption of this act the Mayor of the county seat and the President or Chairman of the governing body of the County shall address a letter, signed by them jointly in their respective official capacities, to each member of the Legislative Electoral College requesting that the Legislative Electoral College elect those members of the Board of Directors of the Authority to be elected by the Legislative Electoral College. As soon as practical after the members of the Legislative Electoral College receive the said letters, the Legislative Electoral College shall elect three members of the Board of Directors of the Authority. If the legislative delegation has a chairman, said chairman shall send written notice to the members of the Legislative Electoral College, other than himself, notifying them of the time and place of the meeting to be held for the purpose of electing the members of the Board of Directors to be elected by the Legislative Electoral College, which time shall be not less than six days

subsequent to the date on which the Chairman of the Legislative Delegation transmits said written notice to the members of the Legislative Delegation belonging to the Legislative Electoral College. If the Legislative Delegation has no chairman, then the Senator of the senatorial district in which the County is situated shall give said written notice to the members of the legislative delegation. If there is more than one Senator from the County, then that Senator who has served the longest period in the Senate shall give the said notice; and if there is more than one Senator from the County and no Senator has seniority over the other Senator or Senators, then the oldest Senator shall give said notice. The Legislative Electoral Colleges may elect the members of the Board of Directors to be elected by it either at the initial meeting held for that purpose or at some later meeting, provided, however, that if the election is at a later meeting, the time and place of such later meeting shall be fixed by a majority vote of the Legislative Electoral College at a meeting regularly called, or notice of the time and place of such later meeting shall be given in the manner herein prescribed for giving the notice of the initial meeting of the Legislative Electoral College. The election by the Legislative Electoral College shall be by a majority vote of those present. The members of the Board of Directors of the Authority elected by the Legislative Electoral Colleges shall serve for terms of two, three, and four years, respectively, as fixed by the Legislative Electoral College, which terms shall commence from the October 1 closest to the date on which they are elected. In the event that three members of the Board of Directors were not initially elected or the terms of office of such members fixed by the Legislative Electoral College, a meeting shall be called in the same manner as hereinabove provided to elect the required additional member or members and to fix the terms of office of all elected members.

The person who under the terms hereof is to give notice of meeting of the Legislative Electoral College shall notify the Mayor or chief executive officer of the largest municipality in the county and the President or Chairman of the governing body of the County whom the Legislative Electoral College elected to serve on the Board of Directors of the Authority.

When the Mayor or chief executive officer of the largest municipality in the county and the President or Chairman of the governing body of the County shall have been notified of the election of the members of the Board of Directors to be elected by the Legislative Electoral College, the said Mayor and the said President or Chairman shall by letter signed by them jointly notify the members of the Board of Di-

rectors elected by the Legislative Electoral Colleges of the time and place of the first meeting of the Board of Directors of the Authority. At that meeting, or at some later meeting, the members of the Board of Directors of the Authority (they being the Mayor or Chief Executive Officer of the largest municipality in the county and the President or Chairman of the governing body of the County and the members elected by the Legislative Electoral College) shall elect the remaining member of the Board of Directors of the Authority who shall serve for a term extending for four years from the October 1 closest to the date of his election. The members of the Board of Directors serving as such ex officio and those elected by the Legislative Electoral College electing the remaining member, as aforesaid, shall be authorized to prescribe the method for notifying the member of the Board of Directors elected by them of the fact that his election and to fix the time and place at which the Board of Directors, including the member of the Board elected by them, will meet for the purpose of electing a Chairman of the Board; and the said members shall give such notice as is deemed appropriate by them of the time and place of said meeting.

The Board of Directors shall elect a Chairman of the Board, and he shall serve as Chairman until his term as a member of the Board, which he is serving at the time of his election as Chairman, expires. The Chairman shall preside at all meetings of the Board of Directors but so long as there shall be a six member Board of Directors, the Chairman shall not vote except in case of a tie. When there shall be a five member Board of Directors, the Chairman shall have a vote the same as any other member of the Board of Directors.

No person shall be elected as a member of the Board of Directors of the Authority unless he is a qualified elector of the County. Not more than one member of the Board of Directors elected by the Legislative Electoral College or by the Directors shall hold any public office; provided that this restriction shall not apply to the first members so elected.

The members of the said Board of Directors shall serve without compensation except that they shall be reimbursed for actual expenses incurred in and about the performance of their duties hereunder.

In case a directorship held by an elected director becomes vacant during his term his successor shall be elected in the same manner in which he was elected, except that no successor shall be elected for the first vacancy which shall occur to the end that the Board of Directors shall be reduced from a six member Board to a five member Board. The successor shall be deemed to be elected for the remainder of

the term during which the vacancy occurred; provided, however, that if a person is elected to any vacant directorship during the last six months of any term of such directorship, he shall be deemed elected for the remainder of such term and for the next succeeding term of such directorship. In the event the Legislative Electoral College shall fail for any reason to elect within sixty days after the adoption of this act the members of the Board of Directors, which this act provides said Electoral College shall elect, then in that event the two ex officio members of the Board (they being the Mayor or chief executive officer of the largest municipality in the county and the President or Chairman of the governing body of the County) and any other member or members of the Board of Directors theretofore elected shall elect such members of the Board of Directors to fill the directorship which the electoral college fails to fill. In the event a vacancy on the Board of Directors occurs which is to be filled by the Legislative Electoral College and the Legislative Electoral College fails for any reason to fill said vacancy within thirty days from the date of the occurrence of said vacancy, the members of the Board of Directors shall elect a member of the Board to fill said vacancy.

**Section 2.** This Act shall become effective upon its approval by the Governor or upon its otherwise becoming a law.

Approved September 30, 1965.

Time: 11:17 P. M.

Act No. 115

H.J.R. 22—Fite

### HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, that the Clerk of the House and the Secretary of the Senate each be allowed the Enrolling and Engrossing Clerks and fifteen assistants for six weeks in addition to those now provided in the Code to assist in checking the Journals and other records of the House and Senate for delivery to the Secretary of State.

Approved September 30, 1965.

Time: 11:11 P. M.

Act No. 116

H. 16—Meade, Albea, Drake, Nabors,  
Pennington, Burnham, Burns,  
Owens, Merrill, Vacca



## AN ACT

To provide for the registration and licensing as "antique vehicles" of certain motor vehicles; prescribing the fee therefor; providing for the collection and disbursement thereof; exempting vehicles licensed under this Act from other motor vehicle licenses and ad valorem taxation; and placing certain duties relative to the registration and licensing of such vehicles on the State Department of Revenue and the Commissioner thereof and on the several sheriffs of the State.

*Be It Enacted by the Legislature of Alabama:*

Section 1. The owner of any motor vehicle which is more than twenty-five years old and which is owned and operated primarily as a collector's item, upon application to the Commissioner of Revenue of the State of Alabama on special application forms prescribed by the Commissioner and the payment of a registration fee of ten dollars (\$10), may register such vehicle as an "antique vehicle" and procure therefor permanent license plates or tags to be issued for and displayed on such vehicle in lieu of regular motor vehicle license plates or tags.

Section 2. "Antique vehicle" license plates or tags shall be of such size and design as the Commissioner of Revenue may prescribe, shall bear no date, shall have inscribed thereon the words "antique vehicle" and run in a numerical series commencing with "antique vehicle No. 1," shall be of a color different from regular motor vehicle license plates or tags and shall be valid without renewal.

Section 3. Should any license plates or tags issued pursuant to this Act be defaced, lost or destroyed the owner may apply for a replacement in the same manner as prescribed by law for the replacement of regular motor vehicle license plates and tags.

Section 4. No vehicle which has been registered and licensed as an "antique vehicle" pursuant to this Act shall be subject to the motor vehicle licensing requirements of Article 8, Chapter 20, Title 51, Code of Alabama 1940, as amended, nor any other law prescribing or requiring the payment of a license or privilege tax for the privilege of operating such vehicle upon the public roads or highways of this State. Such vehicles as may be registered under this Act shall be exempt from ad valorem taxation.

Section 5. The State Department of Revenue shall make such rules and regulations as necessary to provide for the application for and issuance of such special tags.

Section 6. On or before the first day of January of each year the State Department of Revenue shall furnish to

the sheriff of each county of the State of Alabama an alphabetically arranged list of the names and addresses of all persons who have during the previous year registered antique motor vehicles with the department, giving a description of the motor vehicle so registered and the number of the "antique vehicle" license plates or tags issued therefor. It shall be the duty of the sheriffs of the State to maintain and keep current such lists for public information and inquiry.

Section 7. All moneys derived from the registration and licensing of antique motor vehicles shall be paid into the same fund in the state treasury that moneys derived from regular motor vehicle license taxes are paid. Such moneys may be used for the same purposes and disbursed in the same manner prescribed for moneys derived from regular motor vehicle license taxes.

Section 8. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 9. All laws or parts of laws which conflict with this Act are repealed.

Section 10. This Act shall take effect on the first day of October following its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 30, 1965.

Time: 11:16 P. M.

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Act No. 117

H. 25—Jones (Covington)

### AN ACT

To amend further Sections 2 and 9 of Act No. 424, H. 351, Regular Session 1949 (Acts of Alabama 1949, p. 601) which provides for absentee voting in primary, general, special and municipal elections.

*Be It Enacted by the Legislature of Alabama:*

Section 1. Section 2 of Act No. 424, H. 351, Regular Session 1949 (Acts of Alabama 1949, p. 601) is further amended to read as follows:

"Section 2. (a) Any qualified elector of this state who is in service as a member of the armed forces of the United States, including the Alabama National Guard, the United States Naval Reserves, the United States Air Force Reserves, the United States Military Reserves, on active duty for training, whose regular duty requires that he be absent from the county of his residence on the date any primary, general, special, or municipal

election is to be held, and any qualified elector who is the wife of any such elector in the armed services who resides with him at his duty station; or any qualified elector who is a disabled veteran confined in a facility or hospital operated by the veterans administration, or any qualified elector who is absent from the county because of his attendance at any university or college at which he is duly enrolled outside the county, may vote in the election in the manner and under the regulations herein-after prescribed."

"(b) Any qualified elector of this state, whose name, at the time of any primary, general, special, or municipal election, appears on the official list of qualified voters in any county in the state, whose regular business or occupation regularly requires that he be absent from the county, and who may, at any primary, general, special, or municipal election held pursuant to law in this state by reason of his regular business or occupation, and in the performance of the duties thereof, being absent from the state, or from the county in which he is a qualified elector, may vote in such primary, general, special, or municipal election in the manner and under the regulations hereinafter prescribed, with like effect as if he were casting his vote in person at his regular and proper voting place. Such elector shall present himself to the board of registrars of his county at any time not less than thirty (30) days before the next election and at any regular or special meeting thereof, for the purpose of having the board of registrars place his name on the list of qualified electors eligible to vote an absentee ballot in any primary, general, special, or municipal election held thereafter. The board of registrars shall ascertain from each person presenting himself before the board for the purpose of having his name placed on the list of qualified absentee voters, the name of the person, his address, age, whether or not he is a qualified elector of said county, the name and address of such person's employer and the exact nature of the duties of such person's employment. In the event the board of registrars finds that such person is a qualified elector of said county and is engaged in a regular business or occupation which regularly requires that he be absent from the county, the board of registrars shall place such person's name on the list of qualified electors entitled to vote an absentee ballot in any primary, general, special, or municipal election. Each board of registrars in the state shall, not later than March 15 of each year, prepare a list of the names of those persons enrolled on the qualified absentee voters list and file the same with the probate judge of their respective counties and with the Secretary of State.

"(c) The electors who register as absentee voters shall vote only in the absentee box, and shall not thereafter vote in

any other manner, unless and until his name has been removed from the absentee voter list. The probate judge of each county or the Board of Registrars in all counties having more than 600,000 population according to the last or any subsequent federal decennial census, at the request of an elector made at least 30 days before any election, shall remove the name of the elector from the official list of absentee voters.

“(d) The Judge of Probate of each county or the Board of Registrars in all counties having more than 600,000 population according to the last or any subsequent federal decennial census in the State shall, not less than twenty-one days prior to the holding of any election to which this Act pertains, deliver to the register or person serving in his stead a list of those persons qualified to vote an absentee ballot.

“(e) The Judge of Probate or the Board of Registrars in all counties having more than 600,000 population according to the last or any subsequent federal decennial census shall, before the polls open at any election, cause to be delivered to the election officers of each polling place a list showing the name and address of every person whose name is on the list of those persons qualified to vote an absentee ballot at such polling place. The name of every such person shall be stricken by the election officials from the list of qualified electors kept at the polling place and the person shall not be allowed to vote at said polling place.”

Section 2. Section 9 of said Act is further amended to read as follows:

“Section 9. Any prospective absentee voter who meets the requirements prescribed in Section 2 (b), above, and whose name appears on the official list of absentee voters, may, not more than twenty days and not less than five days prior to the election at which he desires to vote, present himself before the register of the county wherein the election is to be held or before the person designated to serve instead of the register. If the name of the voter is on the official list of qualified voters of the county, and on the official list of qualified absentee voters for said county, and the register is satisfied that the voter is the person he claims to be, and a member of the party in which he claims to be a member, the register shall tender the voter duplicate absentee ballot required for this Act, including necessary carbon paper, and the required envelope, first filling in the blanks in the upper left corners thereof. The official list of qualified voters herein referred to shall be furnished the register by the probate judge or other person preparing said list at least twenty-one days before the election.

“Any prospective absentee voter meeting the requirements

of Section 2 (a) who is a member of the armed forces of the United States, including the Alabama National Guard, the United States Naval Reserves, the United States Air Force Reserves, the United States Military Reserves, on active duty for training, or the wife of any member of the armed services if she meets the requirements of said section, may, not more than forty-five nor less than five days prior to the election at which he or she desires to vote, make application for an absentee ballot, as herein provided to be made by a prospective voter in writing or by filling out the Federal post card application form, authorized and provided for under the provisions of 'The Federal Voting Assistance Act of 1955' (Public Law 296, Chapter 656, H. R. 4043, approved August 9, 1955, 84th Congress, 1st Session), and mailing such application to the register, or to the person designated to serve instead of the register. The affidavit herein provided to be attached to the absentee ballot shall be executed by the prospective voter in person before such commanding officer or authority in charge who shall certify to such fact. Such ballot shall be returned by United States mail to the register or to the person acting in his stead and shall be by him marked the day and hour of the receipt thereof. When received by the register or person acting in his stead, the ballot shall be handled and counted in the same manner as ballots voted before the register in person."

"Any disabled veteran meeting the requirements of Section 2 (a) may, not more than 45 nor less than five days before the election at which he desires to vote, make written application to the register, or to the person designated to serve instead of the register, for an absentee ballot. Such application shall have attached thereto a certificate signed by the authority in charge of the hospital or facility, certifying that the applicant is a disabled veteran then confined to such hospital or facility. The voter may make the affidavit on the ballot before any officer authorized to administer oaths or before any officer of the hospital or facility and mail the ballot to the register or other person acting instead. Such ballot shall be handled and counted in the same manner as ballots voted before the register in person.

"Any qualified elector who is absent from the county because of his attendance at any university or college at which he is duly enrolled outside the county, may, not more than forty-five nor less than five days before the election at which he desires to vote, make written application to the register, or to the person designated to serve instead of the register, for an absentee ballot. Such application shall contain or have attached thereto a statement signed by the registrar of the university or college, or his qualified assistant, stating that such person is duly enrolled at such institution. The voter may make the affidavit on the ballot

before any officer authorized to administer oaths or before any officer of the university or college, and mail the ballot to the register or other person acting instead. Such ballot shall be handled and counted in the same manner as ballots voted before the register in person."

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 30, 1965.

Time: 11:09 P. M.

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Act No. 118      H. 35—Salter, Moore, Nettles, Bassett, Glass, Turnham, Stenbridge, Harper, Barnett, Edwards (Lowndes), Goldthwaite, Cates, Turner (Limestone), Campbell (Tuscaloosa)

#### AN ACT

To amend Section 10 of Act No. 424, H. 413, Legislature of 1963, Regular Session, approved September 2, 1963, (Acts of 1963, Vol. 2, p. 931), an act regulating the labeling, sale, offering or exposing for sale or the distribution of agricultural, vegetable, flower, tree, shrub and herb seeds.

#### *Be It Enacted by the Legislature of Alabama:*

Section 1. Section 10 of Act No. 424, H. 413, Regular Session, 1963 (Acts of 1963, Vol. 2, p. 931), relating to the annual permit and permit fees required for selling, offering for sale, exposing for sale, distributing or soliciting orders for the sale of any agricultural, vegetable, herb, tree, shrub or flower seed is hereby amended to read as follows:

"Section 10. ANNUAL PERMIT AND PERMIT FEES.—Every person who sells, offers for sale, exposes for sale, distributes or solicits orders for the sale of any agricultural, vegetable, herb, tree, shrub or flower seed to retail seed dealers, farmers, or to others who use or plant such seed in the State of Alabama, shall, before selling or offering such seed for sale or distributing or soliciting orders for the sale of such seed and on or before the first day of January of each year, secure an annual permit from the Commissioner of Agriculture and Industries to engage in such business. Seed dealers and other sellers of seed shall apply for an annual permit upon forms prescribed by the Commissioner

and such a permit shall be issued upon the payment of the following permit fees when the application is in proper form:

(a) for each person engaged in selling seed at retail in closed containers or packets of eight (8) ounces or less, displayed on a rack, a permit fee of One Dollar and Fifty Cents (\$1.50) for each such rack display;

(b) for each person selling seed to retail seed dealers, farmers, or others who use or plant such seed, not displayed on a rack, a permit fee for each such place of business or each such representative or representatives where such person does not maintain an established place of business in Alabama, shall be based on gross receipts from the sale of such seed for the last preceding year in Alabama as follows:

	Gross Receipts	Permit Fees
1.	Receipts of less than \$2,500.00 .....	\$ 5.00
2.	Receipts of more than \$2,500.00 and less than \$25,000.00 .....	\$ 25.00
3.	Receipts of more than \$25,000.00 and less than \$50,000.00 .....	\$ 50.00
4.	Receipts of more than \$50,000.00 and less than \$100,000.00 .....	\$100.00
5.	Receipts of more than \$100,000.00 and less than \$200,000.00 .....	\$200.00
6.	Receipts of more than \$200,000.00 and less than \$300,000.00 .....	\$300.00
7.	Receipts of more than \$300,000.00 and less than \$400,000.00 .....	\$400.00
8.	Receipts of more than \$400,000.00 and less than \$500,000.00 .....	\$500.00
9.	Receipts over \$500,000.00 .....	\$600.00

(c) for places of business not previously in operation, the fee shall be based on anticipated gross receipts for the first year of business, provided, however, out-of-state seed sellers not previously selling seed in Alabama which sell or distribute seed through a representative soliciting orders in Alabama shall not be required to pay the required permit fee for their first year of operation in the State of Alabama;

(d) any person selling seed who also sells seed in closed containers or packets of eight ounces or less from a rack display shall be required to pay only the permit fee required by subsection (b) above;

(e) persons engaged in the operation of seed cleaning or processing plants, including peanut shellers, seed treaters, and corn processors shall be required to obtain a permit as required hereunder if such persons clean and/or process or treat seed at their plant, including persons who purchase seed and process such seed for resale, and the annual fee to be paid therefor shall be Twenty-five Dollars (\$25.00), provided, however, that if such persons shall sell seed to retail seed dealers, farmers or to others who use or plant such seed they shall also be required to pay the annual permit fee required under subsection (b) above in addition to the Twenty-five Dollars (\$25.00) annual permit fee.

A broker, as hereinafter defined, shall be required to obtain an annual permit as above required and pay the fee required under subsection (b) hereof for a person selling seed. The term "broker" as used herein means a person domiciled in Alabama or who solicits business in Alabama, who acts as agent for or otherwise represents another person for compensation in negotiating the sale or purchase of agricultural, vegetable, flower, tree, shrub or herb seed.

Any permit issued under the provisions of this section shall be valid and effective until the first day of January next succeeding the date of issuance. The permit fee levied hereunder shall be in addition to all other fees, licenses, taxes and other similar charges or fees now levied by law for the sale of seed in Alabama. All fees collected hereunder and all amounts collected as fines imposed under the penalty provisions of this Act shall be paid into the Agricultural Fund of the State Treasury for use in the administration and enforcement of the provisions of this Act. Amounts collected hereunder as an improper or illegal collection or overpayment may be refunded to the person entitled thereto in accordance with Section 10 of Title 2 of the Code of Alabama of 1940, as amended.

A permit as required hereunder shall be obtained by a person for each place of business at which such person engaged in the sale of seed and for each separate operation where seed are cleaned, treated, or otherwise processed unless such place of business is an integral part of one business or operation. All permit fees due hereunder shall be delinquent if not paid within thirty (30) days from the date on which the permit fee is due and the Commissioner is authorized to add a delinquent penalty of 10% to the amount of the permit fee due hereunder. The permit fee levied hereunder shall be paid by all agricultural cooperative marketing and purchasing associations and the exemption allowed such organizations pursuant to Section 129 of Title 2, Code of Alabama of 1940, or any other exemption statute shall not relieve such cooperative organizations from the payment of the permit fee levied under the provisions of this section.



Farmers or producers of agricultural, vegetable, flower, tree, shrub, or herb seed who sell uncleaned, unprocessed, unpackaged, and unlabeled seed of their own production only, and do not sell seed received or purchased from other sources shall not be required to obtain a permit or pay any fee required hereunder; provided, however, any farmer who sells cleaned, processed, packaged and labeled seed to retail seed dealers, farmers, or to others who use or plant such seed where the total amount of the sale price thereof is in excess of Three Thousand Dollars (\$3,000.00) in any one year shall be required to obtain a permit and pay the fee required by subsection (b) above, provided the first Three Thousand Dollars (\$3,000.00) worth of cleaned, processed, packaged and labeled seed of any farmer shall be exempted from the computation of gross receipts in determining the amount of the permit fee."

Section 2. SEVERABILITY.—The provisions of this Act are severable. If any section, paragraph, sentence, clause, phrase or other portion of this Act is declared to be invalid or unconstitutional, the remainder of the Act shall not be affected by such declaration but shall remain in full force and effect.

Section 3. EFFECTIVE DATE.—This Act shall become effective on January 1, 1966.

Approved September 30, 1965.

Time: 11:08 P. M.

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Act No. 119

H. 48—Blanton

## AN ACT

Relating to employment of handicapped persons in state service; providing preference for such persons in civil service employment.

*Be It Enacted by the Legislature of Alabama:*

Section 1. The State Director of Personnel shall, upon the request of an appointing authority, add to any certification of three eligible for employment the name of any handicapped person on the eligible list who is certified by the Director of the Division of Rehabilitation and Crippled Children, State Department of Education, as being eligible for rehabilitation services; but, the Director of the Department of Personnel may nevertheless not give preference in certification for employment to any handicapped person if he finds such person is physically or otherwise unfit to perform effectively the duties of the position in which he seeks employment.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 30, 1965.

Time: 11:07 P. M.

Act No. 120

H. 91—Collins (Jefferson)

### AN ACT

Further regulating insurance rate making; providing for the regulation of insurance advisory organizations; defining such organizations; requiring the filing by such organizations of certain documents and information with the superintendent of insurance as a prerequisite to rendering services to insurers, whose rates are regulated pursuant to Code of Alabama 1940, Title 28, Chapter 15; providing for hearings and orders respecting violation by such organizations of the insurance laws of Alabama; and prohibiting insurers and rating organizations from using the services of advisory organizations which have not complied with this Act.

#### *Be It Enacted by the Legislature of Alabama:*

Section 1. All words and terms which are defined in Code of Alabama 1940, Title 28, when used in this Act shall have the same meanings ascribed to them in said Title 28, unless it clearly appears from the context that some other meaning is indicated; and the following words and terms when used herein, unless a different meaning is clearly indicated by the context shall have the meanings hereinafter ascribed to them.

“Advisory organization” means every group, association or other organization of insurers, whether located within or without this state, which assists insurers which make their own filings or rating organizations in rate making by collection and furnishing of loss or expense statistics, or by the submission of recommendations, but which does not make filings under Code of Alabama 1940, Title 28, Chapter 15, Articles 2 or 3.

“Superintendent” means the chief executive officer of the department of insurance for the State of Alabama, established by Act No. 234, S. 25, of the Regular Session of the Legislature of 1951 (Acts of 1951, p. 504).

Section 2. Every advisory organization assisting any rating organization or any insurer, whose rates are subject to regulation under Code of Alabama 1940, Title 28, Chapter 15, Article 2, or any rating organization or any insurer whose rates are subject to regulation under Article 3 of said title, as a condition precedent to the rendering of such assistance, shall comply with

the provisions of this Act and any and all duly promulgated rules or regulations or orders of the superintendent relative to insurance rates, rate making or assistance therein.

Section 3. (a) Every advisory organization shall file with the superintendent (1) a copy of its constitution, its articles of agreement or association or its certificate of incorporation and its by-laws, rules and regulations governing its activities, (2) a list of its members, (3) the name and address of a resident of this state upon whom notices or orders of the superintendent or process issued at his direction may be served, and (4) an agreement that the superintendent may examine such advisory organization in accordance with the provisions of Section 3 of this Act.

(b) If, after a hearing, the superintendent finds that the furnishing of such information or assistance involves any act or practice which is unfair or unreasonable or otherwise inconsistent with the provisions of the Code of Alabama 1940, Title 28, Articles 2 or 3, as the case may be, he may issue a written order specifying in what respects such act or practice is unfair or unreasonable or otherwise inconsistent with the provisions of one of the above cited articles and requiring the discontinuance of such act or practice.

(c) No insurer which makes its own filings nor any rating organization shall support its filings by statistics or adopt rate making recommendations, furnished to it by an advisory organization which has not complied with this Act or with an order of the superintendent involving such statistics or recommendations issued under subsection (b) of this section. If the superintendent finds such insurer or rating organization to be in violation of this subsection he may issue an order requiring the discontinuance of such violation.

Section 4. (a) Every advisory organization rendering assistance to a rating organization or to an insurer whose rates are subject to regulation under Code of Alabama 1940, Title 28, Chapter 15, Article 2, shall agree to be subject to examination in the same manner and upon the same terms and conditions as rating organizations and insurers making their own rates are pursuant to Code of Alabama 1940, Title 28, Section 376.

(b) Every advisory organization rendering assistance to a rating organization or to an insurer whose rates are subject to regulation under Code of Alabama 1940, Title 28, Chapter 15, Article 3 shall agree to be subject to examination in the same manner and upon the same terms and conditions as rating organizations and insurers making their own rates are pursuant to Code of Alabama 1940, Title 28, Section 401.

Section 5. The superintendent is authorized and directed

to enforce this Act, and he is hereby authorized to make such orders, rules and regulations as are reasonable and proper to facilitate the administration hereof.

Section 6. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 7. The provisions of this Act are supplemental and shall be construed in *pari materia* with other laws relating to insurance rates and rate making. However, all laws or parts of laws in conflict herewith are hereby repealed.

Section 8. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 30, 1965.

Time: 11:06 P.M.

Act No. 121

H. 170—Cates, Davis, Avery

### AN ACT

To levy and impose a special license for hunting deer and wild turkeys on State operated Wildlife Management Areas; exempting persons 65 or older; providing for use of the proceeds thereof; prescribing a penalty for violation of this Act.

#### *Be It Enacted by the Legislature of Alabama:*

Section 1. Whoever hunts deer or wild turkey on State operated Wildlife Management Areas in this State shall pay a special annual license fee of Three Dollars (\$3.00) in addition to the amount of the state, county, or non-resident's license specified in Sections 30, 31 or 32 of Title 8, Code of Alabama 1940, payment of which shall be evidenced by a stamp, license, big game tag system, or other appropriate method as the Director of Conservation may prescribe. The issuing officer or authority shall be allowed a fee of fifteen cents (15c) for each deer or wild turkey special license issued by him, which issuing fee shall be in addition to the cost of the special license. In counties where the probate judge or issuing officer is on the fee system, the issuing fee shall be retained by the probate judge or issuing officer, and in counties where the issuing officer or probate judge is on a salary basis, the fee shall be paid to the county treasury. Provided, however, that the license established by this Act shall not be required of any Alabama resident who is 65 years of age or older.

Section 2. All license fees collected under this Act shall be

deposited in the State treasury to the credit of the Game and Fish Fund and shall be expended in the operation of the game and fish program and including the acquiring of additional conservation officers and the expansion of public hunting areas.

Section 3. Whoever hunts deer or wild turkeys on State operated Wildlife Management Areas without first obtaining the proper hunting license and the special license herein required is guilty of a misdemeanor, punishable as prescribed in the code of Alabama 1940, Title 8, Section 35.

Section 4. All laws or parts of laws which conflict with this Act are repealed.

Section 5. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 30, 1965.

Time: 11:05 P. M.

Act No. 122

H. 213—Cooper, Nettles, Powell, Camp,  
Crawford, Heflin, Goodwyn,  
Turnham, Hester, Posey, Cook,  
Salter

### AN ACT

To amend Section 1 of Act No. 194, H. 36, Special Session 1965, an Act making an appropriation to the State Superintendent of Education for the purpose of contracting with Tuskegee Institute for undergraduate and graduate instruction.

#### *Be It Enacted by the Legislature of Alabama:*

Section 1 of Act No. 194, H. 36, Special Session 1965, approved April 14, 1965, an Act making an appropriation to the State Superintendent of Education for the purpose of contracting with Tuskegee Institute for undergraduate and graduate instruction of Alabama residents, is hereby amended to read as follows:

"Section 1. There is hereby appropriated to the State Superintendent of Education for each of the two fiscal years ending September 30, 1966, and September 30, 1967, respectively, the sum of \$470,466.00, from any funds in the Alabama Special Educational Trust Fund, not otherwise appropriated, to be released upon the approval of the Governor, for the purpose of

contracting with Tuskegee Institute for: (a) undergraduate and graduate instruction of Alabama residents in engineering and veterinary medicine; (b) undergraduate four year professional course leading to the Bachelor of Science degree in nursing; and (c) graduate instruction in home economics and agriculture. The State Superintendent of Education shall negotiate contracts and expend the appropriations in accordance with those rules and regulations promulgated by the State Board of Education in compliance with the provisions of Act No. 127, approved August 24, 1959; Provided that of the sum herein appropriated, a maximum of \$4,200 for each fiscal year shall be used for the purpose of financing scholarships as provided for by Act 590, 1957 Regular Session, and Provided, that of those students seeking a degree in nursing, only those who enter into agreements with the State Superintendent of Education to practice their profession of nursing within the State of Alabama for at least two years after their graduation shall be aided by any funds provided by this Act."

Approved September 30, 1965.

Time: 11:04 P. M.

Act No. 123

H. 221—Scurlock, Cantrell, Slate, Vacca,  
Bevill, Etheredge, Bowers,  
Davis, Nabors, Hester, Camp,  
Salter, NeSmith

### AN ACT

Relating to taxation; exempting the Alabama Chapter of the Cystic Fibrosis Research Foundation, the Jefferson Tuberculosis Sanatorium, and their departments and agencies from the levy of the state sales and use taxes.

*Be It Enacted by the Legislature of Alabama:*

Section 1. The Alabama Chapter of the Cystic Fibrosis Research Foundation, and the Jefferson Tuberculosis Sanatorium and any of their departments or agencies, heretofore or hereafter organized and existing in good faith in the State of Alabama for purposes other than for pecuniary gain and not for individual profit, shall be exempted from the computation of the tax on the gross proceeds of all sales levied, assessed, or payable under the provisions of the state sales tax law levied under Act No. 100, H. 94, Second Special Session 1959 (Acts 1959, p. 298), as amended; and such organization, its departments and agencies shall likewise be exempted from the payment of the state use tax levied under Article 11, Chapter 20, Title 51, Code of Alabama 1940, as amended.

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. This Act shall become effective upon the first day of the month next following the date of its enactment.

Approved September 30, 1965.

Time: 11:03 P. M.

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Act No. 124

H. 223—Etheredge

### AN ACT

To amend further Section 1, as amended, and to amend the title and Sections 2, 3, and 4 of Act No. 396, H. 289, Regular Session 1957 (Acts 1957, p. 549), an Act entitled "An Act Concerning gifts of securities and money to minors and to make uniform the law with reference thereto," so as to provide for gifts of life insurance to minors under such Act.

#### *Be It Enacted by the Legislature of Alabama:*

Section 1. The title of Act No. 396, H. 289, Regular Session 1957 (Acts 1957, p. 549), an Act entitled "An Act Concerning gifts of securities and money to minors and to make uniform the law with reference thereto", is amended to read as follows:

"An Act Concerning gifts of securities, money, and life insurance to minors and to make uniform the law with reference thereto."

Section 2. Section 1 of said Act, as amended, is amended further to read as follows:

"Section 1. Definitions. In this act, unless the context otherwise requires:

"(a) An 'adult' is a person who has attained the age of twenty-one years.

"(b) A 'bank' is a bank, trust company, national banking association, savings bank, industrial bank, savings and loan association holding a charter issued by the Federal Home Loan Bank or the Savings and Loan Commissioner of the State of Alabama, or any corporation having trust powers.

"(c) A 'broker' is a person lawfully engaged in the business of effecting transactions in securities for the account of others. The term includes a bank which effects such transactions. The term also includes a person lawfully engaged in buying and selling securities for his own account, through a broker or otherwise, as a part of a regular business.

“(d) ‘Court’ means the Circuit Court sitting in Equity.

“(e) ‘The custodial property’ includes:

“(1) all securities and money under the supervision of the same custodian for the same minor as a consequence of a gift or gifts made to the minor in a manner prescribed in this act;

“(2) the income from the custodial property; and

“(3) the proceeds, immediate and remote, from the sale, exchange, conversion, investment, reinvestment or other disposition of such securities, money and income.

“(f) A ‘custodian’ is a person so designated in a manner prescribed in this act.

“(g) A ‘guardian’ of a minor includes the general guardian, guardian, tutor or curator of his property, estate or person.

“(h) An ‘issuer’ is a person who places or authorizes the placing of his name on a security (other than as a transfer agent) to evidence that it represents a share, participation or other interest in his property or in an enterprise or to evidence his duty or undertaking to perform an obligation evidenced by the security, or who becomes responsible for or in place of such person.

“(i) A ‘legal representative’ of a person is his executor or the administrator, general guardian, guardian, committee, conservator, tutor or curator of his property or estate.

“(j) A ‘member’ of a ‘minor’s family’ means any of the minor’s parents, grandparents, brothers, sisters, uncles and aunts, whether of the whole blood or the half blood, or by or through legal adoption.

“(k) A ‘minor’ is a person who has not attained the age of twenty-one years.

“(l) A ‘security’ includes any note, stock, treasury stock, bond, debenture, evidence of indebtedness, certificate of interest or participation in an oil, gas or mining title or lease or in payments out of production under such a title or lease, collateral trust certificate, transferable share, voting trust certificate, or, in general, any interest or instrument commonly known as a security, or any certificate of interest or participation in, any temporary or interim certificate, receipt or certificate of deposit for, or any warrant or right to subscribe to or purchase, any of the foregoing. The term does not include a security of which the donor is the issuer. A security is in ‘registered form’ when it specifies a person entitled to it or to the rights it evidences



and its transfer may be registered upon books maintained for that purpose by or on behalf of the issuer.

"(m) 'A transfer agent' is a person who acts as authenticating trustee, transfer agent, registrar or other agent for an issuer in the registration of transfers of its securities or in the issue of new securities or in the cancellation of surrendered securities.

"(n) A 'trust company' is a bank authorized to exercise trust powers.

"(o) 'Life insurance' shall be deemed to include only insurance on the life of a minor or a member of the minor's family as herein defined."

Section 3. Section 2 of said Act is amended to read as follows:

"Section 2. Manner of Making Gift.

"(a) An adult person may, during his lifetime, make a gift of a security, money, or life insurance, to a person who is a minor on the date of the gift:

"(1) if the subject of the gift is a security in registered form, by registering it in the name of the donor, another adult person or a trust company, followed, in substance, by the words: 'as custodian for \_\_\_\_\_ under the Alabama

(name of minor)  
Uniform Gifts to Minors Act';

"(2) if the subject of the gift is a security not in registered form, by delivering it to an adult person other than the donor or a trust company, accompanied by a statement of gift in the following form, in substance, signed by the donor and the person designated as custodian:

'GIFT UNDER THE ALABAMA UNIFORM GIFTS TO  
MINORS ACT

'I, \_\_\_\_\_, hereby deliver to  
(name of donor)

\_\_\_\_\_ as custodian for  
(name of custodian)

\_\_\_\_\_ under the Alabama  
(name of minor)

Uniform Gifts to Minors Act, the following security (ies):  
(insert an appropriate description of the security or securities delivered sufficient to identify it or them) \_\_\_\_\_

(signature of donor)  
' \_\_\_\_\_ hereby acknowledges receipt  
(name of custodian)

of the above described security (ies) as custodian for the above minor under the Alabama Uniform Gifts to Minors Act.

"Dated: \_\_\_\_\_,  
(signature of custodian)

"(3) if the subject of the gift is money, by paying or delivering it to a broker or a bank for credit to an account in the name of the donor, another adult person or a bank with trust powers, followed, in substance, by the words:

'as custodian for \_\_\_\_\_ under the Alabama  
(name of minor)  
Uniform Gifts to Minors Act'.

"(4) if the subject of the gift is life insurance, the ownership of the policy of life insurance shall be registered by the donor of such policy in his own name or in the name of an adult member of the minor's family or in the name of any guardian of the minor, followed by the words: 'as custodian for \_\_\_\_\_  
\_\_\_\_\_ under the Alabama Uniform Gifts

(name of minor)  
to Minors Act', and such policy of life insurance shall be delivered to the person in whose name it is thus registered as custodian. If the policy is registered in the name of the donor, as custodian, such registration shall of itself constitute the delivery required by this section.

"(b) Any gift made in a manner prescribed in Subsection (a) may be made to only one minor and only one person may be the custodian.

"(c) A donor who makes a gift to a minor in a manner prescribed in Subsection (a) shall promptly do all things within his power to put the subject of the gift in the possession and control of the custodian, but neither the donor's failure to comply with this Subsection, nor his designation of an ineligible person as custodian, nor renunciation by the person designated as custodian affects the consummation of the gift."

Section 4. Section 3 of said Act is amended to read as follows:

### "Section 3. Effect of Gift.

"(a) A gift made in a manner prescribed in this act is irrevocable and conveys to the minor indefeasibly vested legal title to the security, money, or life insurance given, but no guardian of the minor has any right, power, duty or authority with respect to the custodial property except as provided in this act.

"(b) By making a gift in a manner prescribed in this act,

the donor incorporates in his gift all the provisions of this act and grants to the custodian, and to any insurer, transfer agent, bank, broker or third person dealing with a person designated as custodian, the respective powers, rights and immunities provided in this act, and shall be conclusively deemed to have so contracted."

Section 5. Section 4 of said Act is amended to read as follows:

"Section 4. Duties and Powers of Custodian.

"(a) The custodian shall collect, hold, manage, invest and reinvest the custodial property.

"(b) The custodian shall pay over to the minor for expenditure by him, or expend for the minor's benefit, so much of or all the custodial property as the custodian deems advisable for the support, maintenance, education and benefit of the minor in the manner, at the time or times, and to the extent that the custodian in his discretion deems suitable and proper, with or without court order, with or without regard to the duty of himself or of any other person to support the minor or his ability to do so, and with or without regard to any other income or property of the minor which may be applicable or available for any such purpose.

"(c) The court, on the petition of a parent or guardian of the minor or of the minor, if he has attained the age of fourteen years, may order the custodian to pay over to the minor for expenditure by him or to expend so much of or all the custodial property as is necessary for the minor's support, maintenance or education.

"(d) To the extent that the custodial property is not so expended, the custodian shall deliver or pay it over to the minor on his attaining the age of twenty-one years, or, if the minor dies before attaining the age of twenty-one years, he shall thereupon deliver or pay it over to the estate of the minor.

"(e) The custodian, notwithstanding statutes restricting investments by fiduciaries, shall invest and reinvest the custodial property as would a prudent man of discretion and intelligence who is seeking a reasonable income and the preservation of his capital, except that he may, in his discretion and without liability to the minor or his estate, retain a security given to the minor in a manner prescribed in this act. The custodian may also use funds in his custody to purchase a policy or policies of life insurance on the life of the minor and to pay premiums thereon, and to retain and use funds in his custody to pay premiums on a policy or policies of life insurance given to the

minor in accordance with the provisions of section 2 (a) (4) of this act.

“(f) The custodian may sell, exchange, convert or otherwise dispose of custodial property in the manner, at the time or times, for the price or prices and upon the terms he deems advisable. He may vote in person or by general or limited proxy a security which is custodial property. He may consent, directly or through a committee or other agent, to the reorganization, consolidation, merger, dissolution or liquidation of an issuer, a security which is custodial property, and to the sale, lease, pledge or mortgage of any property by or to such an issuer, and to any other action by such an issuer. He may execute and deliver any and all instruments in writing which he deems advisable to carry out any of his powers as custodian.

“(g) The custodian shall register each security which is custodial property and in registered form in the name of the custodian, followed, in substance, by the words: ‘as custodian for \_\_\_\_\_ under the Alabama Uniform Gifts to (name of minor)

Minors Act’. The custodian shall hold all money which is custodial property in an account with a broker or in a bank in the name of the custodian, followed, in substance, by the words: ‘as custodian for \_\_\_\_\_ under the Alabama (name of minor)

Uniform Gifts to Minors Act’. The custodian shall keep all other custodial property separate and distinct from his own property in a manner to identify it clearly as custodial property.

“(h) The custodian shall keep records of all transactions with respect to the custodial property and make them available for inspection at reasonable intervals by a parent or legal representative of the minor or by the minor, if he has attained the age of fourteen years.

“(i) A custodian has, with respect to the custodial property, in addition to the rights and powers provided in this act, all the rights and powers which a guardian has with respect to property not held as custodial property.

“(j) All life insurance policies held by the custodian whether acquired under section 2 (a) (4) or section 4 (e) of this act shall be registered in the name of the custodian as owner ‘as custodian for \_\_\_\_\_ under the Alabama (name of minor)

Uniform Gifts to Minors Act.’ The custodian shall have and may exercise as custodian all of the incidents of ownership in such life insurance policies to the same extent as if he were the owner thereof personally, including, but not limited to, the right to borrow on such policies for the payment of premiums. If a life

insurance policy is issued on the life of the minor, the designated beneficiary shall be the minor's estate. If a life insurance policy is issued on the life of a person other than the minor, the beneficiary shall be the custodian, or, if the custodianship has ceased, the minor, or, in the event of the minor's death, the minor's estate."

Section 6. If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

Section 7. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 30, 1965.

Time: 11:02 P. M.

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Act No. 125

H. 249—Salter

### AN ACT

To require the official bonds of officers, agents, and employees of the State of Alabama, its boards, agencies, and commissions, who are required by law to execute a bond, or any additional bonds that may be required, before entering on the duties of their respective offices, to be made by a surety company; to repeal Title 41, Section 120, Code of Alabama 1940; and to provide an effective date.

#### *Be It Enacted by the Legislature of Alabama:*

Section 1. Official bonds required of all officers, agents, and employees of the State of Alabama, its boards, agencies and commissions, or any additional bond that may be required, must be made by a surety company or surety companies, or guaranty company or guaranty companies authorized by the laws of this State to make such bonds and qualified to do business in this State.

Section 2. Title 41, Section 120, Code of Alabama 1940, is hereby repealed and all other laws or parts of laws in conflict with the provisions of this act are hereby repealed.

Section 3. This act shall become effective on the expiration of the term of incumbent officials having terms of office and shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law as to all other officials and employees covered by this act.

Approved September 30, 1965.

Time: 11:01 P. M.

Act No. 126

H. 250—Salter

### AN ACT

To require the official bonds of officers or employees of all county governing bodies, boards, agencies, and commissions, or any additional bonds that may be required, to be made by a surety company; to repeal Title 41, Section 95, Code of Alabama 1940; and to provide an effective date.

#### *Be It Enacted by the Legislature of Alabama:*

Section 1. Official bonds required of all county officers or employees of the various county governing bodies, boards, agencies and commissions, or any additional bond that may be required, must be made by a surety company or surety companies, or a guaranty company or guaranty companies authorized by the laws of this State to make such bonds and qualified to do business in this State.

Section 2. Title 41, Section 95, Code of Alabama 1940, is hereby repealed and all other laws or parts of laws in conflict with the provisions of this act are hereby repealed.

Section 3. This act shall become effective at the expiration of the term of incumbent officials having terms of office and shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law as to all other officials and employees covered by this act.

Approved September 30, 1965.

Time: 11:00 P. M.

Act No. 127

S.J.R. 14—Roberts, Dumas

### SENATE JOINT RESOLUTION

WHEREAS, Dr. Raymond Christian is a native of Northport, Alabama, schooled at Howard College, the University of Alabama and Columbia University, and is presently a resident of Huntsville, where he is Superintendent of the Huntsville City School System; and

WHEREAS, he has distinguished himself as a college athlete, as a scholar, as an educator and school administrator, and as a citizen in myriad ways; and

WHEREAS, under his leadership the Huntsville School

System, in nine years, has expanded from nine schools with a budget of \$800,000 and 5,000 students in 1956 to the present day thirty-four schools with 32,000 students and a budget of \$9,000,000; and

WHEREAS, Dr. Raymond Christian has agreed to accept the position of Superintendent of the Birmingham City School System, leaving behind him thousands of appreciative Huntsvillians for a job magnificently done; and

WHEREAS, Dr. Christian has chosen to continue to apply his very exceptional talents to the betterment of one of Alabama's largest public school system; and

WHEREAS, the State of Alabama and its Legislature take special pride in the accomplishments of such men as Dr. Raymond Christian and his many contributions to Alabama's educational system; and

WHEREAS, he, now President of the Alabama Association of School Administrators, is held in the highest esteem by all of his colleagues who know him; now therefore,

BE IT RESOLVED THAT THE LEGISLATURE OF ALABAMA wish him Godspeed in the challenging task of Superintendent of the Birmingham School System, and sincerely urge that his partnership with the Alabama Public School System be continued to the end of a long and productive career.

Approved September 30, 1965.

Time: 10:28 P. M.

Act No. 128

H. 42—Drake

### AN ACT

To amend Code of Alabama 1940, Title 55, Section 348, which relates to the seal, powers, authority and duties of the boxing and wrestling commission, so as to authorize such commission to collect a percentage of the gross proceeds from the sale, lease or other exploitation of broadcasting, television and motion picture rights in boxing, sparring or wrestling matches or exhibitions and a percentage of the gross admission charges made to view televised boxing, sparring or wrestling matches or exhibitions, and to provide for the collection of such taxes.

#### *Be It Enacted by the Legislature of Alabama:*

Section 1. Code of Alabama 1940, Title 55, Section 348, is hereby amended to read as follows:

"Section 348. The commission shall adopt a seal and shall have and hereby is vested with the sole direction, management, control and jurisdiction over all boxing, sparring and wrestling

matches or exhibitions to be conducted, held or given within the State of Alabama, and no such boxing, sparring or wrestling match or exhibition shall be conducted, held or given within the state except in accordance with the provisions of this article. The commission shall have full power and authority and it shall be its duty: (a) To make and publish rules and regulations governing the conduct of boxing, sparring and wrestling matches and exhibitions, the time and place thereof, and to fix the price charged for admission thereto; to accept applications for and in its sole discretion order a license or permit issued to any person, firm, corporation, club, association, or organization, desiring to promote or conduct a boxing, sparring or wrestling match or exhibition, and to refuse such license or permit or to revoke such license or permit when, in their sole discretion, they may deem such action just or proper, or for the general welfare of the people or for the general welfare of such matches or exhibitions in general; (b) to limit the number of licenses or permits issued to any person, firm, corporation, club, association or organization within any twelve months period; (c) to limit the number of matches or exhibitions that shall be held within any county or city within any twelve months period; (d) to prorate the number of such permits that shall be issued to qualified applicants when the number of applications for permits to be held within any one period exceeds the total number of such exhibitions as are authorized by the commission on such basis as to the commission, in its sole discretion, may seem just to all applicants; (e) to collect through the recorder of permits and licenses a fee of one dollar for every permit or license to hold a boxing, sparring or wrestling match or exhibition; seventeen and one-half percentum of the gross receipts from admissions to every boxing, sparring or wrestling match or exhibition plus ten percentum of the gross price chargeable for the sale, lease or other exploitation of broadcasting, television and motion picture rights of such matches or exhibitions; ten percentum of the gross admission charges to a club, theatre or other place where a televised showing of a boxing, sparring or wrestling match or exhibition, which is taking place in another area or place, may be viewed by means of closed circuit television, and for the purposes of paying and collecting this tax any person, firm, association, or corporation which charges or collects admission fees to view such televised matches or exhibitions shall be subject to the provisions of this article relative to the payment of licenses and to rules and regulations of the commission relative to reporting of times of and proceeds derived from admissions to such showings; and a reasonable fee, to be fixed by the commission, not to exceed ten dollars for each annual license or permit issued to a boxer, wrestler, matchmaker, promoter or manager, and one dollar for each annual license or permit issued to referee, judge, ticket



seller, announcer, trainer, second, medical examiner, ticket taker, director or time-keeper; (f) to appoint and remove at pleasure, with or without cause, such number of inspectors as, in its sole discretion, is necessary to aid in the proper discharge of its duties, at least one of whom shall be present at the ringside at all exhibitions, and it shall be the duty of all inspectors to see that all rules and regulations of the commission and the provisions of this article are strictly complied with, and the commission may pay to such inspectors as it designates as compensation for services rendered one and one-half dollars each for each exhibition attended in their official capacity, payment to be made out of the funds of the commission in the same manner as provided herein for the payment of other expenses; (g) provided, however, that nothing in this article shall be construed as permitting, authorizing, or enjoining the commission to collect any license, permit fee or tax for any amateur boxing, sparring or wrestling matches or exhibitions held under the auspices of educational institutions when the proceeds of such are to be used to foster, aid or abet programs of education in the State of Alabama, or when the same are held under the auspices, rules and regulations or any national amateur athletic association or union. But no exemption from license, permit fee, tax or charges will be granted to any person, group of persons, or organization for such amateur boxing, sparring or wrestling matches or exhibitions when the proceeds or any part thereof are for personal or private gain; (h) provided, however, that the commission shall collect from all patriotic organizations chartered by authority of a special act of the congress of the United States, or local unit thereof, which has been in existence and held meetings at regular intervals for one year immediately preceding the issuance of the permit, to whom a license or permit is issued, ten percentum of the gross receipts of every boxing, sparring or wrestling match conducted or sponsored by such organization, in lieu of the seventeen and one-half percentum provided for in subsection (e) above, in addition to other licenses and fees as are herein provided."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 1, 1965.

Time: 12:17 P. M.

Act No. 129

S. 113—Wilson

### AN ACT

To amend Act No. 681, S. 291, Regular Session 1965, approved

September 1, 1965, an act regulating the payment and retirement of claims against the fine and forfeiture funds of counties having populations of not less than 51,000 nor more than 55,000.

*Be It Enacted by the Legislature of Alabama:*

Section 1. Section 2 of Act No. 681, S. 291, Regular Session 1965, an act regulating the fine and forfeiture fund of counties having populations of not less than 51,000 nor more than 55,000 according to the most recent federal decennial census, is hereby amended to read as follows:

“Section 2. After this Act becomes effective all fines and forfeitures collected in courts in such counties shall be paid into the fine and forfeiture fund of the county and the total amount in the fine and forfeiture fund of any county to which this Act applies shall be used exclusively to retire the claims of officers and witnesses heretofore lawfully registered against such fund, until all such claims which were registered prior to the effective date of this Act and which were held and outstanding on such date are paid. All such claims maturing after the effective date of this Act shall be paid out of the fine and forfeiture fund of the county in the manner prescribed by law.”

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 1, 1965.

Time: 12:19 P. M.

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Act No. 130

H. 184—Posey

AN ACT

Relating to counties having a population of not less than 14,400 nor more than 14,900 according to the most recent federal decennial census; to provide further for the selection of textbooks and instructional materials for use in the public schools in such counties.

*Be It Enacted by the Legislature of Alabama:*

Section 1. This Act shall apply only in counties having a population of not less than 14,400 nor more than 14,900 according to the most recent federal decennial census.

Section 2. In any such county, the county board of education may select and adopt for use in the tax-supported public elementary and secondary schools under the jurisdiction of the board textbooks and instructional materials other than the textbooks and materials on the state-adopted list. Whenever textbooks and instructional materials are substituted for the state-

approved or state-adopted books and materials, such books or materials shall be used by the teachers in the public schools under the jurisdiction of the selecting board in teaching any course or courses for which a substitution has been made.

Section 3. The provisions of Act No. 412, S. 261, Regular Session 1945 (General Acts 1945, p. 647), and of Act No. 22, H. 40, Special Session 1965 (Acts 1965, p. 288) which are inconsistent with this Act are superseded by this Act as to any such county.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 1, 1965.

Time: 10:15 A. M.

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Act No. 131

H. 186—Posey

### AN ACT

To provide for the appointment, tenure, powers, duties, and compensation of registrars in Winston County.

#### *Be It Enacted by the Legislature of Alabama:*

Section 1. In Winston County the registration of qualified electors as provided in the Constitution of Alabama, Article 8, as amended shall be conducted by a board composed of three registrars appointed by the court of county commissioners, board of revenue, or other like governing body of the county. The registrars must each possess the qualifications of other registrars as prescribed in Code 1940, Title 17, Section 21. A chairman of the board shall be designated by the appointing body.

Section 2. The registrars so appointed under this Act shall each take the oath of office prescribed for registrars and shall hold office for four years from the date of their appointment; but they may be removed at the will of the appointing body, at any time, with or without cause. Vacancies on the board shall be filled in the way original appointments are made.

Section 3. These registrars shall each be entitled to compensation as provided by law for other registrars, payable from the state treasury.

Section 4. All laws or parts of laws which conflict with this Act are repealed.

Section 5. The provisions of this Act are severable. If

any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 1, 1965.

Time: 10:16 A. M.

Act No. 132

H. 105—Turnham

### AN ACT

To provide for the establishment and operation of a laboratory to obtain reliable analysis of raw and processed agricultural products, the materials used in production of agricultural products for harmful pesticide residues for the protection of public health and interest, to aid in developing and expanding markets for agricultural products, the protection and production of fish and wildlife, and the use of recreational areas as related to pesticide residues; making conditional appropriations from the state treasury to the use of the Department of Agriculture and Industries for such purposes.

#### *Be It Enacted by the Legislature of Alabama:*

Section 1. The commissioner and state department of agriculture and industries shall have authority to provide for the establishment and operation of a laboratory to obtain reliable analysis of raw and processed agricultural products, the materials used in production of agricultural products for harmful pesticide residues for the protection of public health and interest, to aid in developing and expanding markets for agricultural products, the protection and production of fish and wildlife, and the use of recreational areas as related to pesticide residues. In connection therewith, there shall be established a policy committee, to be composed of the following: The director, Alabama Co-operative Extension Service, who shall be chairman of the committee; the commissioner of the department of agriculture and industries; the director, Alabama experiment station system; the state health officer; the director of the department of conservation; the president, or a representative named by him, of the following organizations or associations: Alabama Farm Bureau Federation, Alabama Dairy Products Association, Alabama Feed Dealers Association, Alabama Poultry Industry Association, Alabama Fisheries Association, Alabama Cattle-men's Association; also, a representative of the Alabama Farm Bureau Dairy Committee and one person engaged in the production and/or marketing of fruits and vegetables, to be appointed by the commissioner of agriculture and industries. The advisory committee may select from among their number an

executive committee, who shall have and exercise such authority as the advisory committee may determine. The members of the advisory committee and executive committee shall not be entitled to any remuneration whatever for the performance of their functions. Members of such committees may be represented at meetings by their proxies.

Section 2. Any laboratory established under the provisions of this Act shall be located on property owned by Auburn University, which shall be leased to the department by the trustees of the University.

Section 3. The sum of \$150,000, or so much thereof as may be necessary, is hereby appropriated from any funds in the state treasury not otherwise appropriated, to the use of the department of agriculture and industries, for the fiscal year ending September 30, 1966, of which \$135,000 may be spent for capital outlay purposes and purchase of equipment and \$15,000 may be expended for salaries and other expenses, including the purchase of equipment. The further sum of \$100,000 is hereby appropriated from any funds in the state treasury not otherwise appropriated for the fiscal year ending September 30, 1967, for payment of salaries and other expenses, including the purchase of equipment incurred in operating and maintaining the laboratory.

Section 4. The appropriations made in this Act are conditional upon the condition of the treasury, as ascertained by the governor, and shall be released and paid out only upon approval by the governor.

Section 5. The laboratory established under the provision of this Act shall be under the supervision and charge of a director appointed by the commissioner of agriculture and industries with the advice and consent of the policy committee. The compensation of the director shall be fixed by the commissioner, subject to approval by the committee, at an amount not exceeding \$12,000 per annum.

Section 6. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 7. This Act shall take effect October 1, 1965.

Approved October 1, 1965.

Time: 11:45 A. M.

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Act No. 133

H. 211—Turner (Limestone)

### AN ACT

To authorize and provide for an additional clerk for the probate

judges of all counties having populations of not less than 35,700 nor more than 36,600 according to the most recent federal decennial census.

*Be It Enacted by the Legislature of Alabama:*

Section 1. The judges of probate of all counties having populations of not less than 35,700 nor more than 36,600, according to the most recent federal decennial census, in addition to all the clerks and assistants now authorized by law may each appoint one clerk. Such additional clerk shall be appointed for such term and shall perform such duties as the judge of probate may prescribe and shall be compensated for his services at the rate of \$300 per month, which compensation shall be paid out of the general fund of the county in equal installments at the same time and in the same manner that the compensation of other clerks in the probate office is paid. The board of revenue, court of county commissioners or other governing body of each county to which this Act applies shall annually appropriate from the general fund a sum sufficient to pay the compensation of the additional clerk hereinabove authorized for the judge of probate.

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. This Act shall become effective immediately upon its enactment.

Approved October 1, 1965.

Time: 11:50 A. M.

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Act No. 134

H. 231—Crawford

AN ACT

Relating to all counties in the State of Alabama having a population of not less than 14,950 nor more than 15,350 inhabitants according to the last or any subsequent federal decennial census; authorizing the court of county commissioners or other like governing body of such counties to set aside, appropriate, use and expend county funds or revenues for the purpose of providing contributions to non-profit Community Action Committees, boards and groups heretofore formed in such counties under the Economic Opportunity Act of 1964, Public Law 88-452, 88th Congress, S. 2642 and approved by the Office of Economic Opportunity.

*Be It Enacted by the Legislature of Alabama:*

Section 1. This Act shall apply in all counties having a population of not less than 14,950 nor more than 15,350 in-

habitants according to the last or any subsequent federal decennial census.

Section 2. The court of county commissioners or like governing body in all counties to which this Act applies is hereby authorized to set aside, appropriate, use and expend county funds or revenues for the purpose of providing contributions to nonprofit Community Action Committees, boards and groups heretofore or hereafter formed in such counties under the Economic Opportunity Act of 1964, Public Law 88-452, 88th Congress, S. 2642 and approved by the Office of Economic Opportunity.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 30, 1965.

Time: 10:22 P. M.

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Act No. 135

H.J.R. 15—Meade

### HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the bridge to be constructed across Terrapin Creek in Cherokee County on the county road connecting Goshen Valley and Spring Garden Community shall be designated the "Frank R. Stewart Memorial Bridge," and that appropriate markers or signs shall be erected or placed so designating the bridge, in honor of Mr. Stewart and in recognition of his many, varied, and valuable contributions to the betterment of his community and State.

Approved October 1, 1965.

Time: 12:18 P. M.

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Act No. 136

H. 132—McDermott, Engel

### AN ACT

To amend Title 61, Section 301 of the 1940 Code of Alabama, as amended, entitled, "Settlement by Consent Without Notice."

*Be It Enacted by the Legislature of Alabama:*

Section 1. That Section 301 of Title 61 of the 1940 Code of Alabama, as amended, be amended to read as follows:

"In any case in which an administration is conducted pursuant to letters testamentary or letters of administration with

the will annexed granted in this state, and all legatees and distributees named in the will are of age and proof is made that all legal charges against the estate have been paid in full, the probate court, upon verified petition of the personal representative consented to by written instrument properly executed and acknowledged by all legatees and distributees, may approve a consent settlement without notice or publication or posting. In any case in which an administration is conducted pursuant to letters testamentary or letters of administration granted in this state and such administration in this state is ancillary to a primary administration in another state, and proof is made that all legal charges against the estate in this state have been paid in full and the balance of the assets of the estate in this state have been delivered to the executor or personal representative in the state of primary administration, the probate court, upon verified petition of the executor or personal representative appointed in this state consented to by the executor or personal representative in the state of primary administration, may approve a consent settlement without notice or publication or posting. In all other cases when all heirs and next of kin are of age and proof is made that all legal charges against the estate have been paid in full, the probate court, upon verified petition of the personal representative consented to by written instrument properly executed and acknowledged by all heirs and next of kin, may approve a consent settlement without notice or publication or posting. In any of the above enumerated cases in which a minor or person of unsound mind may be a distributee or legatee and such minor or person of unsound mind has a guardian, duly appointed by any court of this state and such guardian is not adversely interested to his ward in said settlement such guardian may approve a consent settlement as evidenced by his consent in writing, if properly executed and acknowledged. The masculine gender where used herein shall include the feminine, and the singular numbers shall include the plural."

Section 2. Should any word, phrase, clause, section or part of this act be held to be unconstitutional by any court of competent jurisdiction, it shall not affect the remainder of this act.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 1, 1965.

Time: 11:47 A. M.



Act No. 137

H. 194—Nabors

## AN ACT

To amend Sections 3 & 8 of Act No. 412, H. 878, Regular Session 1961 (Acts 1961, v. 1, p. 429) in relation to the compensation of the Clerk of the Circuit Court, Tax Assessor and Tax Collector in counties having a population of not less than 96,000 nor more than 106,000, according to the last federal decennial census.

*Be It Enacted by the Legislature of Alabama:*

Section 1. Sections 3 and 8 of Act No. 412, H. 878, Regular Session 1961 (Acts 1961, v. 1, p. 429), an act regulating the compensation of certain officers of counties having populations of not less than 96,000 nor more than 106,000, is amended to read as follows:

“Section 3 is hereby stricken.”

“Section 8. For the performance of the duties of each of the following county officers the Etowah County Board of Revenue shall, by resolution, fix the salary of the Clerk of the Circuit Court, the Tax Assessor and Tax Collector of every county to which this Act applies as follows:

“(a) Clerk of the Circuit Court, Tax Assessor and Tax Collector, not less than \$6,600 per annum nor more than \$10,000 per annum; provided further that any such salary shall not be fixed or changed less than thirty days before the election of any of the foregoing county officers. The salaries herein provided shall be paid in equal monthly installments from the county treasury in the manner prescribed by law. Such compensation shall be in lieu of all other compensation heretofore provided by law for the foregoing county officers, provided that said compensation shall not be less than that paid associate county commissioners or associate members of the boards of revenue in said county.”

Section 2. This Act shall take effect on the first of the month next following the date of its enactment.

Approved October 1, 1965.

Time: 11:48 A. M.

Act No. 138

H. 202—Etheredge

## AN ACT

To amend Section 80 of Title 36 of the 1940 Code of Alabama, (as Recompiled 1958) which relates to the operation of trailers on the highways.

*Be It Enacted by the Legislature of Alabama:*

Section 80 of Title 36 of the 1940 Code of Alabama (as Recompiled 1958, which reads:

"No person shall operate any trailer as defined in this Title on any highway unless such trailer is operated for the purpose of constructing highways or other facilities of the State or a political subdivision thereof. The Highway Department is authorized to regulate the movement of such trailers from one job to another by special permits issued in the same manner as permits are issued under Section 91 of this Title. No trailer or semi-trailer of any kind shall be used for the hauling of passengers for hire except as provided by Article 2 of this Chapter."

is revised and amended to read:

Section 1. "No person shall operate any trailer as defined in this Title on any highway unless such trailer is operated for the purpose of constructing highways or other facilities of the State or a political subdivision thereof. The Highway Department is authorized to regulate the movement of such trailers from one job to another by special permits issued in the same manner as permits are issued under Section 91 of this Title. No trailer or semi-trailer of any kind shall be used for the hauling of passengers for hire except as provided by Article 2 of this Chapter."

Section 2. Provided that the provisions of this article relating to trailers shall not apply to the movement over the highways of trailers manufactured, reconditioned, or repaired in this State when reasonably necessary for the delivery of such trailers to the owners or purchasers thereof outside the State, further provided that such movement shall be subject to special permit to be issued, without cost by the Director of the Highway Department. Such permits may be issued and may be renewed upon such terms and conditions, in the interest of public safety, and the preservation of the highways, as the Director of the Highway Department may in his discretion require; and he may designate the route over which such trailers may be moved and the hours of movement thereof.

This act shall become effective upon its passage and approval by the Governor, or upon its otherwise becoming law.

Approved October 1, 1965.

Time: 11:49 A. M.

Act No. 139

S. 136—Dumas

## AN ACT

Relating to all counties in the State of Alabama having a population of not less than 600,000 inhabitants according to the last or any subsequent federal decennial census; authorizing the court of county commissioners or other like governing body of such counties to set aside, appropriate, use and expend county funds or revenues for the purpose of providing contributions to non-profit Community Action Committees, boards and groups heretofore formed in such counties under the Economic Opportunity Act of 1964, Public Law 88-452, 88th Congress, S. 2642 and approved by the Office of Economic Opportunity.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** This Act shall apply in all counties having a population of not less than 600,000 inhabitants according to the last or any subsequent federal decennial census.

**Section 2.** The court of county commissioners or like governing body in all counties to which this Act applies is hereby authorized to set aside, appropriate, use and expend county funds or revenues for the purpose of providing contributions to non-profit Community Action Committees, boards and groups heretofore or hereafter formed in such counties under the Economic Opportunity Act of 1964, Public Law 88-452, 88th Congress, S. 2642 and approved by the Office of Economic Opportunity.

**Section 3.** This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 1, 1965.

Time: 12:16 P. M.

Act No. 140

S. 137—Dumas

## AN ACT

Relating to all municipalities in the State of Alabama having a population of not less than 300,000 inhabitants according to the last or any subsequent federal decennial census authorizing the governing body of such municipalities to set aside, appropriate, use and expend municipal funds or revenues for the purpose of providing contributions to non-profit Community Action Committees, boards and groups heretofore formed in such municipalities under the Economic Opportunity Act of 1964, Public Law 88-452, 88th Congress, S. 2642 and approved by the Office of Economic Opportunity.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** This Act shall apply in all municipalities having a population of not less than 300,000 inhabitants according to the last or any subsequent federal decennial census.

**Section 2.** The governing body in all municipalities to which this Act applies is hereby authorized to set aside, appropriate, use and expend municipal funds or revenues for the purpose of providing contributions to nonprofit Community Action Committees, boards and groups heretofore or hereafter formed in such municipalities under the Economic Opportunity Act of 1964, Public Law 88-452, 88th Congress, S. 2642 and approved by the Office of Economic Opportunity.

**Section 3.** This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 1, 1965.

Time: 12:15 P. M.

Act No. 141

H. 255—Moore

### AN ACT

To redivide the State into judicial circuits so as to create the Thirty-sixth Judicial Circuit, and to provide for a judge and solicitor of the newly created circuit.

*Be It Enacted by the Legislature of Alabama:*

Section 1. The State of Alabama is divided into judicial circuits for the circuit courts, numbered and composed of the counties as follows: First Circuit—Choctaw, Clarke and Washington; Second Circuit—Butler, Crenshaw and Lowndes; Third Circuit—Barbour and Bullock; Fourth Circuit—Bibb, Dallas, Hale, Perry and Wilcox; Fifth Circuit—Chambers, Lee, Macon, Randolph and Tallapoosa; Sixth Circuit—Tuscaloosa; Seventh Circuit—Calhoun and Cleburne; Eighth Circuit—Limestone and Morgan; Ninth Circuit—Cherokee, DeKalb and Jackson; Tenth Circuit—Jefferson; Eleventh Circuit—Lauderdale; Twelfth Circuit—Coffee and Pike; Thirteenth Circuit—Mobile; Fourteenth Circuit—Walker; Fifteenth Circuit—Montgomery; Sixteenth Circuit—Etowah; Seventeenth Circuit—Marengo, Greene and Sumter; Eighteenth Circuit—Clay, Coosa and Shelby; Nineteenth Circuit—Autauga, Chilton and Elmore; Twentieth Circuit—Henry and Houston; Twenty-first Circuit—Escambia; Twenty-second Circuit—Covington; Twenty-third Circuit—Madison; Twenty-fourth Circuit—Fayette, Lamar and Pickens; Twenty-fifth Circuit—Marion and Winston; Twenty-sixth Circuit—Russell; Twenty-seventh Circuit—Marshall; Twenty-eighth Circuit—Baldwin; Twenty-ninth Circuit—Talladega; Thirtieth Circuit—Blount and St. Clair; Thirty-first Circuit—Colbert; Thirty-second Circuit—Cullman; Thirty-third Circuit—Dale and Geneva;

Thirty-fourth Circuit—Franklin; Thirty-fifth Circuit—Conecuh and Monroe; Thirty-sixth Circuit—Lawrence.

Section 2. A judge shall be elected for the Thirty-sixth Judicial Circuit at the next general election for any state officer for a term to expire at the next general election for circuit judges. The Governor shall appoint a qualified person to hold the office of judge until such election. A solicitor for the Thirty-sixth Judicial Circuit shall be elected by the qualified electors of the counties composing the circuit at the next general election of circuit solicitors in this State as prescribed by law, and every four years thereafter. The vacancy existing in the office when this Act takes effect shall be filled by appointment by the Governor for a term to expire on the first Monday after the second Tuesday in January following the next general election of circuit solicitors.

Section 3. This Act shall become effective immediately upon its enactment.

Approved October 1, 1965.

Time: 11:46 A. M.

Act No. 142

H.J.R. 17—Nabors

### HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That the state junior college located at Gadsden shall be designated, named, and known as "The Gadsden Technical Junior College," and appropriate markers shall be erected on the campus or premises of such institution showing such designation.

Approved October 2, 1965.

Time: 11:50 A. M.

Act No. 143

H. 90—Collins (Jefferson)

### AN ACT

TO AMEND Title 28, Section 1, Code of Alabama (1940), to provide that all insurance corporations applying for an original certificate of authority to do business in this state shall have and maintain unimpaired paid-in capital (if a stock insurer) or unimpaired surplus (if a mutual or reciprocal insurer) of two hundred thousand dollars, plus, in either case, surplus or additional surplus of three hundred thousand dollars; to provide that such corporations already licensed may maintain present capital and surplus requirements; and for other purposes.

*Be It Enacted by the Legislature of Alabama:*

Section 1. Title 28, Section 1, Code of Alabama (1940) is hereby amended to read as follows:

“(1) All insurance corporations, except as may be otherwise provided in this title, shall possess and thereafter maintain unimpaired paid-in capital (if a stock insurer) or unimpaired surplus (if a mutual or reciprocal insurer) in an amount not less than two hundred thousand dollars. (2) In addition to the minimum paid-in capital or minimum surplus specified above, all insurance corporations shall possess surplus or additional surplus in an amount not less than three hundred thousand dollars. After issuance of its initial certificate of authority to do business in this state, such insurance corporation may use the surplus required in this provision (2) in the normal course of its business, provided the minimum capital or surplus required by provision (1) above must never be impaired. (3) Any insurance corporation holding a valid certificate of authority to transact business as an insurer in this state prior to the effective date of this section may continue to be licensed by maintaining not less than the same amount of the paid-in capital (if a stock insurer) or not less than the same amount of unimpaired surplus (if a mutual or reciprocal insurer) as is required by the laws of this state immediately prior to the effective date of this section; but no such insurer shall hereafter be granted authority to transact any other or additional kind or kinds of insurance unless it fully complies with the requirements of this section as to capital and surplus. (4) All insurance companies licensed to transact business in this state shall make annual sworn statements to the Superintendent of Insurance of the assets and business of such company in the pervious year in such form as may be prescribed by the Superintendent.”

Section 2. All laws or parts of laws in conflict herewith are hereby expressly repealed.

Section 3. This act shall take effect upon its passage by the Legislature and approval by the Governor, or upon its otherwise becoming a law.

Approved October 2, 1965.

Time: 11:00 A. M.

# **ALABAMA LAWS**

(and Joint Resolutions)

**OF THE**

## **LEGISLATURE OF ALABAMA**

**PASSED AT THE**

**THIRD SPECIAL SESSION OF 1965**

**HELD AT THE CAPITOL, IN THE CITY OF MONTGOMERY**

**COMMENCING ON THURSDAY, SEPTEMBER 30, 1965**



**GEORGE C. WALLACE, Governor**

**JAMES B. ALLEN, Lieutenant Governor**

**GEORGE HAWKINS, President Pro-Tem of the Senate**

**ALBERT P. BREWER, Speaker of the House**

**RANKIN FITE, Speaker Pro-Tem of the House**

**McDOWELL LEE, Secretary of the Senate**

**JOHN W. PEMBERTON, Clerk of the House**

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**WITH AN INDEX PREPARED BY THE**

**LEGISLATIVE REFERENCE SERVICE**

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The undersigned, as Secretary of State of the State of Alabama, does hereby certify that the book contains bills and joint resolutions enacted at the 1965 Third Special Session of the Legislature of Alabama and is the official publication of such acts.

**Mrs. Agnes Baggett**  
**Secretary of State.**

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State of Alabama

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**MESSAGE OF GOVERNOR GEORGE C. WALLACE**  
**TO JOINT SESSION OF ALABAMA LEGISLATURE**  
**AT THIRD SPECIAL SESSION SEPTEMBER 30, 1965**

Lieutenant Governor Allen, Mr. Speaker, Ladies and Gentlemen:

If this greeting sounds familiar to you, I can only say that I hope that it will sound even more familiar in years ahead.

I want to say to you as I have said to Alabamians throughout the length and breadth of this State that I am proud of this State. As your Governor, I have had the opportunity to visit all the way from the Canadian border to California, and I have looked into the faces of people of every state—the students in colleges in every state—and again I want to say to the people of Alabama that I do not say that we surpass the people of other states in intelligence or refinement or culture or devotion to this country, but I again want to say that the people of no other state, or of any other college or any other student, surpasses the people of Alabama in refinement and culture.

Yes, I am proud to be an Alabamian. I want to say, as Governor Allen has said, that this Legislature has met more momentous problems than any other legislature of this century and I again want to congratulate the Legislature of this State.

The purpose of this session is by now well known. You have been called for the single purpose of submitting to the people the question as to whether or not they wish to amend the Alabama Constitution to permit a governor and other state constitutional officers to serve two consecutive terms.

This bill, of course, a constitutional amendment, would limit the governor and other constitutional officers to two terms. Our Constitution has been amended since 1901 nearly 260 odd times.

As you know, a state legislature does not have the power to change, alter or modify a single provision of the Constitution. This must be done by the people. The people must vote on it and must approve the change. The legislature is empowered only to submit the question to the people for a decision.

I have received impressive expressions of sentiment from thousands of Alabama citizens asking that they be given the opportunity to make that decision. That is the purpose for which this session was called.

And I again hope that the people of Alabama will make their wishes known to the membership of this body.

Let me remind you that a change in the Constitution to permit a governor, a lieutenant governor—in fact, the Lieutenant Governor of our State has an excellent record, and I would hope that he also would decide to run again if this amendment is successful—the attorney general, and other constitutional officers under this amendment would have the right to serve two consecutive terms, but it does not in any sense guarantee that they will be elected to serve additional terms.

In fact, I feel that any constitutional officer should be able and willing to place his record upon the line. It would merely permit each to stand for re-election on the basis of his own record.

If a candidate has not fulfilled his promises . . . if his services have, for any reason, been unsatisfactory . . . he may be rejected by the people. I feel that any person in office should be able or be willing to run back to back. People sometimes forget during an interim period or the separation of four years from the time a person serves as a constitutional officer until he stands for election after the interim period has passed.

If, on the other hand, these officers have kept faith with the people, then the people could, in the exercise of their best judgment, elect such officers to one additional term.

I am willing to abide by the judgment of three-fifths of the members of this legislature, which is the number required to submit this amendment to the people. I am willing to accept the judgment of the people. If they approve, I shall run for the office of governor in the year 1966.

This, ladies and gentlemen, is the democratic process in action. Under our traditional system of government, the people vote to approve or to reject any candidate for office created by that Constitution.

No group of men in the federal judiciary, or in the Congress, or in a state legislature, has the right to flout the amendatory processes and to deny the people the sovereign right and freedom to regulate their own government.

The people of this State and other states are now being denied the right to vote and control their own schools. The people are being denied the right to allocate and structure the legislative branches of their own state governments.

Are the people of this State to be denied also the right to

vote on an amendment respecting the executive branch of their own state government?

Where does this so-called liberal philosophy end? Let me quote one liberal newspaper in our State . . and I quote:

“Although OTHER states permit succession, most of them have demonstrated more political maturity than Alabama has.”

The newspaper goes on to call upon obstructionists to use any means to prevent you, the people, from voting on this issue. This newspaper says the voters of Alabama cannot be trusted—that the voters of our State don’t have sense enough to vote on this vital question.

I want to say this: I am proud of the people of my State and I am proud of their independence in the spirit that made America great. The name Alabamian has come to stand for honor and sturdy determination. From the Tennessee line to the Gulf, the people of Alabama have demonstrated a fortitude, a patriotism, an independent maturity that is the talk of millions across this nation. I can understand why the liberals do not trust our voters in Alabama.

I recall that I promised every boy and girl that their future would not be stolen from them. You and I together have honestly tried to keep that promise. No poor boy or girl must now drop out of school and face a future of hardship because he or she can’t afford the books by which to learn. The textbooks are free.

They are free because one bottle of whiskey will buy two books for a boy and there have been no whiskey bills for you to pay at the Governor’s home. They are free because one party cruise on a State yacht will buy enough books for an entire grade of little boys and girls, and there have been no parties on state yachts . . . in fact, there are no longer state-owned yachts.

They are free because we have joined together to provide this fine program for the people of our State.

There are trade schools going up all over this State within reach of every man or boy who wants to better himself and give his children a brighter future and his wife a finer life.

There are junior colleges within driving distance of every boy and girl in this State who wants to better himself and is willing to work at it.

The old age pensions in Alabama are six dollars above the Southern average and you have provided along with our Administration’s recommendations more money for the unfortunate,

the mentally ill, the tubercular, the blind, and the crippled children than at any time in our history.

The greatest road-building program is now taking place.

Our tourist business has more than doubled bringing dollars to our villages and towns.

Last year, Alabama led the entire South in new and expanded industry and during the first six months of this year 320 million dollars more has poured into our State. Over the past two and a half years, over 50,000 new jobs have been created.

Our docks at Mobile have established new records in volume of business and in profits.

In our Department of Finance, a system of competitive bidding has been rigidly enforced with the savings of millions of dollars. The records of this Department have remained open to inspection by the Legislature, the press and the people during my Administration and the books are still open at this very moment for anybody to look if they are interested.

The efficiency of your state government is such now that the State of Alabama employs less state employees per 10,000 population than any state in the Union except two.

Our economy is growing at such a fantastic rate that today the State Department of Revenue is collecting state revenues at a rate in excess of 40% over that of two years ago.

But what does this add up to. What have we done that causes some liberal newspaper editors to so viciously attack the idea that your Governor might succeed himself, when succession of governors is quite commonplace in almost 40 states in this nation?

We have done this. We are proving that the people of the separate states can provide for themselves. We are proving that the people of the separate states can provide their own trade schools and junior colleges, their own textbooks . . . that they can upgrade their own educational processes without centralized money with dictatorial powers attached.

We are proving that prosperity comes from honest, efficient state government cooperating with free enterprise . . . from industrious people rolling up their sleeves and going to work.

We are proving the American philosophy of responsibility, independence and freedom. And in proving this, we are building a strong state by strong people. The liberals cannot tolerate strong states — nor strong people — for they want the states destroyed and they want all strength, all power, all benefits to

come from centralized government. They want us to quit doing and start begging. They want us to stop making our own decisions and destiny and have them made for us by a federal bureaucrat with a poverty check in his hand.

As long as I am Governor, we shall not stop our practice of American principles and as long as we are free men, we shall not beg.

The people of Alabama have done something more. They have sent me as your Governor north and east and west to tell the story of Americanism and the South . . . and I have gone. I have gone where the story had never been told . . . where it had been twisted and distorted by propagandists of television and press.

I have gone among wild-eyed fanatics . . . and I have gone because you sent me. I have walked through stomping crowds of screaming leftists and I have been cursed by them and I have been beat upon and their spittle has run down my face. I went for you and for this State and this nation. And if you send me again . . . I will go again.

I have stood before nationwide television cameras and been badgered by questioners who have tried to trick and insinuate and revile you and me and our Southland . . . and I have answered them for you, with the truth.

This has displeased many of the liberals. That is why they are determined to try to prevent the people of Alabama from voting on succession. They hope to stop the growing throngs of people who are flocking to our cause from Maine to California. They want to snuff out the flame that Alabamians are igniting in the hearts of other Americans across this nation.

This is why they talk in horrified tones of the growing power of a governor and a state; but they voice no alarm over the power of a federal bureaucrat who, with the flick of his finger, can tell you that your child may not even pray in school; who dictates whom you shall serve and whom you shall not; who runs your school and your business.

They voice no alarm over an awesome power rising from the degenerate game of power politics in Washington; a power that must be met with an organized power of the people.

It would be much easier for me NOT to be here tonight. It would be much easier for me to retire in comfort and peace. But I am here because your cause is mine . . . and I believe in that cause.

I know that I shall be put on trial. I am going on trial

for the people of this State. I know that the liberals will hold me up to the floodlights and search for my weaknesses and my failings.

I know that they shall find them, for I am a human being like you and I have my faults and my shortcomings. They will do this to try to destroy me and to destroy what we have begun.

They will point to the physical reverses and lay them at my door. But you and I know that those physical reverses were set in motion long before we began our fight for America.

We know that it is will and determination that wins . . . if that were not so, then the terrible reverses suffered by George Washington would have caused him and his people to fold and quit, long before Valley Forge and victory.

They know this, too. That is why they want our will broken, our spirit without a leader and our beliefs without a spokesman.

The liberals say that George Wallace wants to be President. What is wrong with that? An Alabamian is as good as most and better than some. I think an Alabamian would make just as good a President . . . and maybe a little better . . . than someone from New York . . . and maybe even from Texas.

They say it is wrong for me to appeal to you, the people of this State, for support.

Well, the liberals call to their street rioters for support. The federal agitators call to their demonstration thugs for support, and it is high time we AMERICANS called to AMERICANS for support.

Yes, I ask you to support me . . . you, there in your homes. I ask you . . . for to whom else should I appeal? Should I appeal to newspaper editors only? I ask you now . . . and I shall ask you, the people of Alabama, again and again.

Now in conclusion, let me make the issue perfectly clear. Political opposition in this Legislature has the right to oppose any program I have sponsored; but I doubt that my opponents in the Legislature or out of the Legislature have a right to deny the people of this State the privilege of voting on a question so fundamental as amending their own state Constitution. The state Constitution belongs to the people of this state . . . not to a few individuals.

Men have come from Washington, D.C., and are in your Capitol tonight, endeavoring to deny you the right of voting on this vital question.

That is the issue.

It is well to remember that this amendment does not affect the office of governor alone, but all constitutional officers. We have had the distinguished services, as I stated a moment ago, of an outstanding lieutenant governor, who is also affected.

Millions throughout this nation will be watching Alabama's decision. Many people in high places will be working hard to prevent the people of this State the right and the privilege of voting on this issue, for its outcome may well affect the future course of the history of our country. We stand at an hour we will never be able to call back.

The issue is the right of the Alabama people to vote to amend or not amend their own Constitution. It is a precious right. I shall do all in my power to see to it that you do not lose that right.

And so for you, and for the cause in which we believe, I put myself and my record on the line tonight. I shall go wherever you send me . . . whether it's back across this nation to tell the story of Americanism to Americans . . . or back to Barbour County, Alabama.

Thank you very much.

# ALABAMA LAWS

## And Joint Resolutions

### THIRD SPECIAL SESSION, 1965

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Act No. 1                      H. 27—Bowers, Vacca, Rast, Perry, Gilmore,  
Brown (Jefferson), Sessions, Bailes,  
Dominick, Locke, Collins  
(Jefferson)

#### AN ACT

To propose an amendment to Amendment CLXXV to the Constitution of Alabama authorizing the Jefferson County Board of Education to designate any portion of Jefferson County outside of the municipalities of Birmingham, Bessemer, Fairfield, Tarrant City and Mountain Brook, as a school district in order that any said school district so designated by the Jefferson County Board of Education, subject to a vote of the qualified electors therein, may levy and collect a special district property tax for the support of education in accordance and under the provisions of Amendment CLXXV to the Constitution of Alabama.

*Be It Enacted by the Legislature of Alabama:*

Section 1. The following amendment to the Constitution of Alabama is proposed, to become valid as a part of the Constitution when approved by the majority of the qualified electors voting thereon and upon proclamation by the Governor:

#### PROPOSED AMENDMENT

That Sub-Section (a) of Section 1 of Amendment CLXXV to the Constitution of Alabama shall be amended so that said Sub-Section (a) as amended shall read as follows:

“That part of Jefferson County outside of the municipalities of Birmingham, Bessemer, Fairfield, Tarrant City and Mountain Brook as one district, except that the Jefferson County Board of Education is authorized and empowered to designate any part or portion of said district as a separate school district.”

Section 2. An election upon the proposed amendment is ordered to be held at the next general or special election following final adjournment of the current session of the Legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Chapter 1, Article 18, Title 17 of the Code of Alabama, (1940) as amended.

Section 3. Notice of the election and of the proposed



amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the State. In every county in which no newspaper is published, a copy of the notice shall be posted at each courthouse and post office.

Constitutional Amendment.

Passed the House October 5, 1965 as amended.

Amended and passed the Senate October 22, 1965.

House concurred in Senate Amendment October 22, 1965.

Act No. 2

H. 52—Engel, McDermott, Downing, Turner  
(Crenshaw)

### AN ACT

To amend Sections 3, 4 and 6 of Act No. 662 adopted at the 1965 Regular Session of the Legislature of Alabama so as to substitute Commissioner of Revenue for Director of Revenue where the latter term is contained in said sections.

*Be It Enacted by the Legislature of Alabama:*

1. Section 3 of Act No. 662 adopted at the 1965 Regular Session of the Legislature of Alabama is hereby amended so that said section shall read as follows:

**Section 3. Authorization to Form Public Corporation.** The Director of the State Planning and Industrial Development Board, the Commissioner of Revenue, and the Director of Finance may become a public corporation with the powers herein provided, by proceeding according to the provisions of Section 4 hereof.

2. Section 4 of said Act No. 662 is hereby amended so that said section shall read as follows:

**Section 4. Procedure to Incorporate.** To become the public corporation herein authorized, the Director of the State Planning and Industrial Development Board, the Commissioner of Revenue, and the Director of Finance shall present to the Secretary of State of Alabama an application signed by them which shall set forth: (a) the name, official designation, and official residence of each of the applicants, together with a certified copy of the commission evidencing each applicant's right to office; (b) the date on which each applicant was inducted into office and the term of office of each applicant; (c) the name of the proposed public corporation, which shall be the State Industrial Develop-

ment Authority; and (d) the location of the principal office of the proposed corporation. The applicants may also include in the said application any other matters which are not inconsistent with this Act or with any of the other laws of the State. The application shall be subscribed and sworn to by each of the applicants before an officer authorized by the laws of this state to take acknowledgments to deeds. The Secretary of State shall examine the application and, if he finds that it substantially complies with the requirements of this section, he shall receive and file it and record it in an appropriate book of records in his office.

3. Section 6 of the said Act No. 662 is hereby amended so that the said Act shall read as follows:

**Section 6. Members, Officers and Proceedings of the Authority.** The applicants named in the application and their respective successors in office shall constitute the members of the Authority. The Director of the State Planning and Industrial Development Board shall be the president of the Authority, the Commissioner of Revenue shall be the vice president thereof, and the Director of Finance shall be the secretary thereof. The State Treasurer shall be treasurer of the Authority, shall act as custodian of its funds, and shall pay the principal of and interest on the bonds of the Authority out of the funds herein provided for. The members of the Authority shall constitute all the members of the board of directors of the Authority, and any two members of the said board of directors shall constitute a quorum for the transaction of business. Should any person holding any state office named in this section cease to hold such office by reason of death, resignation, expiration of his term of office, or for any other reason, then his successor in office shall take his place as an officer and member of the board of directors of the Authority. No officer or member of the board of directors of the Authority shall draw any salary in addition to that now authorized by law for any service he may render or for any duty he may perform in connection with the Authority. All proceedings had and done by the board of directors shall be reduced to writing by the secretary of the Authority, shall be signed by at least two members of the Authority present at the proceedings, and shall be recorded in a substantially bound book and filed in the office of the Secretary of State. Copies of such proceedings, when certified by the secretary of the Authority, under the seal of the Authority, shall be received in all courts as prima facie evidence of the matters and things therein certified.

4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 28, 1965.

Time: 9:30 A. M.

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Act No. 3

S.J.R. 10—Givhan

### SENATE JOINT RESOLUTION

WHEREAS the tragic and untimely deaths of David Johnson Robinson on Friday, October 8, 1965, and of Miss Jane Bolling Moore on Sunday, October 10, 1965, both of Marion, Alabama, have brought sadness and grief to the families and many friends of these fine, outstanding young people; and

WHEREAS both young people died as the result of an automobile accident in Marion, and the loss of so intelligent and attractive a young lady and young man in the prime of their lives is a deep and resounding blow to the community and to the many people who knew and loved them; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are saddened by the death of these young Alabamians, and we deeply mourn the loss of each of them and extend our sincere and heartfelt sympathy to their surviving families.

BE IT FURTHER RESOLVED That copies of this Resolution be sent to Mr. and Mrs. Paul Moore, parents of 19-year old Jane; and to 21-year old David's parents, Mrs. Paul B. Robinson and Colonel Robinson, who is President of Marion Military Institute.

Approved October 29, 1965.

Time: 10:00 A. M.

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Act No. 4

S.J.R. 5—Robison (Pickens)

### SENATE JOINT RESOLUTION

WHEREAS, It has been learned with regret and concern that the President of the United States is to undergo surgery on Friday morning, October 8th at Bethesda Naval Hospital; and

WHEREAS, It is encouraging that President Johnson's general condition and fine spirits are such as to indicate that he will have a minimum of difficulty;

NOW THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the members of this body and the people of Alabama deeply regret the illness of Mr. Johnson, extend to him

their sincere best wishes for his early and complete recovery and offer their prayers in his behalf.

RESOLVED FURTHER, that a copy of this resolution be sent to President Johnson.

Approved October 29, 1965.

Time: 10:01 A. M.

Act No. 5

S.J.R. 9—Dumas, Roberts

### SENATE JOINT RESOLUTION

WHEREAS the Honorable Frank Murray Dixon, former Governor of Alabama, passed away at his home in Birmingham on Monday, October 11, 1965, at the age of 73; and

WHEREAS this dignified and stately gentleman, a descendant of three generations of Baptist ministers and lecturers, nobly served his nation and his State. As an American aviator serving with the French during World War I, he performed with bravery and gallantry in action, for which the French government awarded him the Croix de Guerre with Palm and named him a Chevalier of the Legion of Honor, the highest military honor of that country. Because of wounds received in combat with the enemy, he suffered the amputation of his right leg, which nonetheless did not deter him from a life of activity and achievement; and

WHEREAS as Governor of Alabama from 1939 to 1943, Frank Dixon conducted his duties with outstanding ability, intelligence, and integrity and provided a sound, progressive administration for the State of Alabama. Most noteworthy of his accomplishments were the institution of a civil service system for State employees, adoption of a teacher retirement plan, and creation of the State Pardon and Parole Board; and

WHEREAS Governor Dixon, a 1916 graduate in law at the University of Virginia, recipient of honorary degrees from Columbia University and the University of Alabama, and a practicing attorney in Birmingham, was a political conservative who contributed greatly to the Democratic party and to the reorganization of government in Alabama, and paved the way for much of the State's subsequent growth and expansion. A Baptist, a Mason, an Elk, a Woodman of the World, an Eagle, a Veteran of Foreign Wars, a Disabled American Veteran, a member of the American Legion, a Kiwanian, a member of Kappa Alpha social fraternity, Omicron Delta Kappa honorary fraternity, and Phi Delta Phi legal fraternity, he was ever interested in his fellow man and devoted himself to the highest

principles of service and behavior in all his activities; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we mourn the death of so distinguished and respected a man and so fine a friend and public servant as Governor Dixon, and we extend our heartfelt sympathy to the surviving members of his family, to whom a copy of this Resolution shall be sent.

Approved October 29, 1965.

Time: 10:02 A. M.

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Act No. 6

S.J.R. 14—Mathews

### SENATE JOINT RESOLUTION

WHEREAS, the "Doctor for the Day" program was inaugurated during the First Special Session of this year, and

WHEREAS, the Alabama Chapter of the American Academy of General Practice has supplied the Legislature with the voluntary services of its member physicians on each legislative day, and

WHEREAS, the presence of these outstanding physicians from all over Alabama, at great personal and professional sacrifice to themselves, was a great comfort and reassurance to the members of the Legislature, now therefore

BE IT RESOLVED BY THE SENATE, THE HOUSE OF REPRESENTATIVES CONCURRING, That the Legislature does now convey its deep appreciation to the Alabama Chapter of the American Academy of General Practice for this public service, and to Mrs. Joyce Fisher, executive secretary, for making the necessary arrangements with efficiency and cheerfulness.

BE IT FURTHER RESOLVED That copies of this Resolution be sent to the Alabama Chapter of the American Academy of General Practice and to Mrs. Fisher.

Approved October 29, 1965.

Time: 10:03 A. M.

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Act No. 7

S.J.R. 13—Givhan

### SENATE JOINT RESOLUTION

WHEREAS former Representative Frank M. Johnson, Sr. passed away in Montgomery, Alabama, on October 19, 1965; and

WHEREAS Mr. Johnson, born in Fayette County, early removed to Winston County where he was active in political affairs and was a staunch supporter of the Republican party. Subsequent to his service in World War I, he was named postmaster in Haleyville, and from 1934 to 1940 was probate judge of Winston County. In 1942 he was elected to the House of Representatives of Alabama where he served with distinction until his resignation before the completion of his term. He was a delegate to the Republican National Convention in the years 1936, 1940, and 1944. Mr. Johnson was for a number of years a member of the rating board of the Veterans Administration, and since his retirement had made his home in Montgomery; and

WHEREAS Mr. Johnson was a raconteur of note who delighted his host of friends with fascinating stories of his youth, his native region, and his political experiences, and was a man whose zest and enthusiasm were an inspiration to all those with whom he came in contact; and

WHEREAS Mr. Johnson is survived by three sons, U.S. District Judge Frank M. Johnson and James N. Johnson of Montgomery, and Wallace Johnson of Mobile; and three daughters, Mrs. Frank W. McCoy of York, Mrs. James H. Bates of Uniontown, and Mrs. James Harvill of Montgomery; a brother, Fred Johnson, of Birmingham and a sister, Mrs. Sam Turner of Hamilton, Mississippi; and several grandchildren; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body deeply regrets the passing of Mr. Frank M. Johnson, Sr., and extends its sincere sympathy to the surviving members of his family to whom copies of this resolution shall be sent.

Approved October 29, 1965.

Time: 10:04 A. M.

Act No. 8

S.J.R. 15—Nichols

### SENATE JOINT RESOLUTION

BE IT RESOLVED BY THE SENATE, THE HOUSE OF REPRESENTATIVES CONCURRING, that when the two Houses adjourn today, they adjourn sine die.

Approved October 29, 1965.

Time: 10:04 A. M.

Act No. 9

H. 5—Thomas, Callahan

## AN ACT

To amend the law of Alabama so as to authorize the Alabama Mental Health Board to place any of its employees under a merit system and to establish salary schedules for its employees.

*Be It Enacted by the Legislature of Alabama:*

Section 1. The Alabama Mental Health Board is hereby authorized to establish personnel policies and salary schedules for all of its employees, and such policies and schedules shall not be limited by Title 41, Section 152, Code of Alabama 1940, as amended, or by any other provisions of law unless such a law enacted hereafter shall refer specifically to the employees of the Alabama Mental Health Board.

Section 2. Personnel policies may be established so as to include under the State merit system certain positions in the Department of Mental Health and so as to exclude other positions; however, employees of the Alabama Mental Health Board and positions in the Department of Mental Health which were under a merit system on September 30, 1965, or which are placed under a merit system by law hereafter, shall continue under such merit system unless any such position be abolished by the Alabama Mental Health Board.

Section 3. Positions in the Department of Mental Health and employees of the Alabama Mental Health Board not under the State merit system on the effective date of this Act shall continue not under such merit system until placed under such State merit system by the Alabama Mental Health Board or by law specifically placing such positions or employees under a merit system.

Section 4. Any part of Section 10, Act No. 881, H. 699, enacted by the 1965 Regular Session of the Legislature of Alabama in conflict with this Act is hereby specifically repealed.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 29, 1965.

Time 10:05 A. M.

Act No. 10

H. 14—Jones (Covington)

## AN ACT

Relating to counties having populations of not less than 35,500 nor more than 36,500 according to the most recent federal decennial census;

to regulate further fishing gear which may be used in commercial fishing operations in the public waters of such counties.

*Be It Enacted by the Legislature of Alabama:*

Section 1. This Act shall apply only in counties having populations of not less than 35,500 nor more than 36,500 according to the most recent Federal decennial census.

Section 2. In addition to any fishing gear otherwise expressly allowed by law or regulation of the department of conservation to be used in commercial fishing operations it shall be lawful for any person, who has first procured a license pursuant to Act No. 784, H. 316 of the Regular Session of 1953 (Acts of 1953, p. 1069), permitting the use of certain fishing gear in commercial fishing operations, to use in his commercial fishing operations in the public waters in the counties to which this Act applies hoop or fyke nets the mesh of which is not less than 1½ inches from knot to knot, and gill nets the mesh of which is not less than two inches from knot to knot.

Section 3. All laws or parts of laws and all rules and regulations of the department of conservation in conflict with this Act are repealed as to all counties to which this Act applies.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 29, 1965.

Time: 10:06 A. M.

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Act No. 11

H. 15—Jones (Covington)

### AN ACT

Relating to counties having populations of not less than 35,500 nor more than 36,500 according to the most recent federal decennial census; to regulate further fishing gear which may be used in commercial fishing operations in the public waters in such counties.

*Be It Enacted by the Legislature of Alabama:*

Section 1. This Act shall apply only in counties having populations of not less than 35,500 nor more than 36,500 according to the most recent federal decennial census.

Section 2. In addition to any fishing gear otherwise expressly allowed by law or regulation of the department of conservation to be used in commercial fishing operations, it shall be lawful for any person who has first procured a license pursuant to Act No. 784, H. 316, Regular Session of 1953 (Acts of 1953, p. 1069) permitting the use of certain fishing gear in



commercial fishing operations, to use in his commercial fishing operations in the public waters in the counties to which this Act applies slat traps or slat baskets made of metal strips or slats in a box-like or cylinder shape, provided such traps or baskets are so constructed as to conform to all laws, and rules and regulations of the department of conservation as to design, length of trap which must be constructed of slats, size of slats and space between them, and also wire baskets having a mesh of one inch or more.

Section 3. All laws or parts of laws and all rules and regulations of the department of conservation in conflict with this Act are repealed as to all counties to which this Act applies.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 29, 1965.

Time: 10:07 A. M.

Act No. 12

H. 16—Drake

### AN ACT

Relating to Cullman County; authorizing and providing for the establishment, maintenance, operation, control and financing of a public law library for the County. To amend Section 2 of Act Number 318 of the 1963 Acts of Alabama, Volume 2, Page 796.

*Be It Enacted by the Legislature of Alabama:*

Section 2. In each civil or quasi-civil action at law, suit in equity, criminal case, quasi-criminal case, proceeding on a forfeited bail bond, or proceeding on a forfeited bond given in connection with an appeal from a judgment of conviction in any inferior or municipal court to the circuit court, hereafter filed in, arising in, or brought by appeal, certiorari, or otherwise to the circuit court of Cullman County, there shall be taxed as costs the sum of One Dollar (\$1.00). In each criminal case hereafter filed in any statutory inferior court in Cullman County, there shall be taxed as costs the sum of One Dollar (\$1.00). In each civil case hereafter filed in any statutory inferior court in Cullman County, there shall be taxed as costs the sum of One Dollar (\$1.00). In all condemnation proceedings, and also administration of estates of deceased persons in the Probate Court of Cullman County, there shall be taxed as costs the sum of One Dollar (\$1.00). The cost shall be collected as other costs are collected by the clerk of said court or the register in chancery, or other collection officer of such courts, as the case may be, which cost shall be designated the "law library fee". Not later

than the tenth day of each month such fees as have been collected during the preceding calendar month shall be covered into the county treasury to the credit of a special fund to be designated the Law Library Fund of Cullman County.

Approved October 29, 1965.

Time: 10:07 A. M.

Act No. 13

H. 25—Branyon

### AN ACT

Relating to counties having a population of not less than 15,500 nor more than 16,300 according to the most recent federal decennial census; to authorize the county governing body in any such county to appropriate and use certain county funds and to designate and use certain county property, buildings, and facilities in order to qualify for and receive federal assistance under the federal Economic Opportunity Act of 1964.

*Be It Enacted by the Legislature of Alabama:*

Section 1. The court of county commissioners, board of revenue, or other like governing body in any county of the state having a population of not less than 15,500 nor more than 16,300 according to the most recent federal decennial census shall have authority to appropriate and use such sums from the general funds of the county not otherwise appropriated, and to designate and use such county property, buildings, and facilities, as may be necessary to enable the county to participate in programs and receive benefits and funds provided for and made available by and from the federal government under Public Law 88-452, known as the Economic Opportunity Act of 1964, as approved by Congress on August 20, 1964, when such county governing body, in its discretion, considers such action to be in the best interests of the county. Provided, however, that such sums and such property, buildings, and facilities shall not be appropriated, designated, or used in any manner which conflicts with the Constitution or statutes of the State of Alabama.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 29, 1965.

Time: 10:08 A. M.

Act No. 14

H. 37—Gilmore, Vacca, Rast, Brown (Jefferson),  
Bowers, Perry, Locke, Bailes, Collins  
(Jefferson), M. Bethea

## AN ACT

To amend Section 19 of Act No. 248 of the Legislature of Alabama of 1945, approved July 6, 1945, General Acts of Alabama of 1945, pages 376-400, as heretofore amended by Act No. 109 of the Legislature of Alabama of 1956, approved February 14, 1956, Act of Alabama, Special Sessions, 1956, Pages 165-166, as further amended by Act No. 150 of the Legislature of Alabama of 1957, approved July 22, 1957, Act of Alabama, General Session, 1957, pages 194-195, relating to vacations for certain civil service employees in said counties.

*Be It Enacted by the Legislature of Alabama:*

Section 1. That Section 19 of Act No. 248 of the Legislature of Alabama of 1945, approved July 6, 1945, General Acts of Alabama of 1945, Pages 376-400, as heretofore amended by Act No. 109 of the Legislature of Alabama of 1956, approved February 14, 1956, Act of Alabama, Special Sessions, 1956, pages 165-166, as further amended by Act No. 150 of the Legislature of Alabama of 1957, approved July 22, 1957, Act of Alabama, General Session, 1957, pages 194-195, be, and the same hereby is, amended so as to read as follows:

Section 19. LEAVES OF ABSENCE—All permanent employees who have held regular full time positions under the jurisdiction of this subdivision for one year and less than twelve (12) years, shall be allowed an annual vacation with pay at the rate of one work day per month of service not to exceed two (2) weeks vacation; regular full time employees with twelve (12) years to twenty-five (25) years full time service shall be allowed an annual vacation with pay at the rate of one and one-half (1-1/2) work days per month of service not to exceed three (3) weeks vacation per year; and regular full time employees with twenty-five (25) years service or more shall be allowed two (2) work days for each month of service not to exceed four (4) weeks vacation with pay per year. Such vacation allowance shall be cumulative, not to exceed twenty-six (26) work days. Provided, however, that no vacation allowed any employee shall exceed five (5) calendar weeks in any calendar year. For the purpose of computing vacation allowance, each period of seven (7) days, excluding holidays, shall be considered as containing not less than six (6) work days, irrespective of the number of days the employee would normally be on duty. In computing vacation for any person hereunder, in addition to the period for which such person has been employed by the county or city for which he works at the time of the computation, there shall be included the following periods of employment: (1) The period such person worked at the county court house, or any branch thereof, while employed by the state or any agency or board of the state, provided that while such person was so employed his position with the state, or state agency or board, was made subject to the county-wide civil service law through the adoption

or amendment of this or any previous act establishing a county-wide civil service system; and (2) the period during which such person worked at the county court house, or any branch thereof, while employed by the State or any agency or board of the state provided his work and duties for the state, or the state agency or board were confined within the territorial limits of the county, and provided further that his employment with the county or with some municipality thereof commenced simultaneously with the cessation of his employment by the state or by the state agency or board. The time for such vacation shall be determined by the appointing authority except that the employee, if a vacation has not been allowed him during the calendar year, may demand that he be given a vacation not exceeding twelve work days. An appointing authority shall not require an employee to forfeit his vacation allowances as punishment for improper behavior, in lieu of imposing upon such employee a suspension without pay as provided in Section 22 of the Act. Employees who resign in good standing or who are separated from the service without fault or delinquency on their part shall be allowed credit for vacation earned. Any employee who is dismissed for cause shall forfeit all vacation allowances. The rules and regulations shall contain provisions for granting permanent employees sick leave with pay and for leave without pay.

Section 2. All provisions of law in conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 29, 1965.

Time: 10:08 A. M.

Act No. 15

H. 40—Bethea (M)

### AN ACT

To create and establish the Alabama Academy of Honor; to prescribe its purposes and membership; to provide for election of members and officers and for the holding of meetings; and to appropriate funds for use of the Academy in carrying out its purposes.

*Be It Enacted by the Legislature of Alabama:*

Section 1. There is hereby created and established an organization which shall be known as the "Alabama Academy of Honor," hereinafter referred to as the "Academy." The purpose of the Academy shall be to bestow honor and recognition upon living Alabamians for their outstanding accomplishments and service.

Section 2. The Academy shall be composed of not more than 100 living members, and no more than ten of such members shall be elected to membership in any calendar year. Each person elected for membership shall be a distinguished citizen of Alabama who shall be chosen for accomplishment or service greatly benefiting the State, or for accomplishment or service reflecting great credit on the State. Each living Governor or former Governor of Alabama shall be a member of the Academy but shall not be counted in the total maximum membership nor in the ten members who may be elected annually. No more than twenty-five percent of the elected members at any time shall be from the political field.

Section 3. The initial ten members of the Academy shall be elected by a committee appointed for such purpose by the Governor within 60 days after the effective date of this Act. Such committee shall consist of two members from each congressional district within the State. When appointing the committee members, the Governor shall select citizens who are outstanding in the fields of business and industry, education and the fine arts, architecture and engineering, labor, agriculture, the medical and legal professions, government and politics, and mass communications. Within 30 days after being appointed, the committee shall hold a meeting at a time and place designated by the Governor and shall elect the ten initial members of the Academy as herein provided. A majority of the committee members shall be necessary for the election of each Academy member. The committee shall serve until its purpose as herein prescribed shall have been carried out.

Thereafter, new members, not to exceed ten in any calendar year, shall be elected by the existing members of the Academy. A majority vote of the existing members shall be necessary for the election of each new member, and new members shall be chosen in order of the highest number of votes received. Nominations for new members shall be made by the Academy and in writing by citizens of the State.

Section 4. The Academy shall meet at least once annually to award new memberships, and shall hold such other meetings as necessary to carry out its purpose. The time and place of meetings shall be designated by the members. A majority of the members shall constitute a quorum for conducting business. The Academy may make rules and regulations necessary to carry out its purposes and functions as herein prescribed.

Section 5. The members of the Academy shall elect among themselves a chairman and shall fix his term of office. The chairman shall preside over meetings, direct the business of the Academy, and perform such other duties as may be prescribed or

delegated to him by the Academy. The members shall appoint one of their number as secretary, who shall keep minutes of each meeting. The Governor's office shall provide such clerical assistance as may be needed by the Academy.

Section 6. The Academy shall receive an annual appropriation not to exceed \$2,000, which shall be fixed by the Legislature during each regular session thereof. The appropriation provided shall be used by the Academy to pay for stationery, membership certificates, membership pins or plaques or the like, an annual banquet for members, and such other necessary or appropriate expenses incurred in carrying out the purposes of the Academy.

Section 7. There is hereby appropriated from the general fund in the state treasury \$2,000 for the fiscal year ending September 30, 1966, and \$2,000 for the fiscal year ending September 30, 1967, for the use of the Academy in carrying out the provisions and purposes herein prescribed.

Section 8. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 9. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 29, 1965.

Time: 10:10 A. M.

Act No. 16

H. 46—Carr

### AN ACT

To appropriate the sum of \$12,000.00 from any funds in the state treasury not otherwise appropriated to the Division of State Parks, Monuments and Historical Sites for the purpose of paying death benefit claims accruing against said Division from Board of Adjustment awards.

*Be It Enacted by the Legislature of Alabama:*

Section 1. There is hereby appropriated from any funds in the state treasury not otherwise appropriated the sum of \$12,000.00 to the Division of State Parks, Monuments and Historical Sites for the purpose of payment of death benefit claims accruing against said Division from Board of Adjustment awards.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming law.

Approved October 29, 1965.

Time: 10:11 A. M.

Act No. 17

H. 48—Carr

### AN ACT

Relating to the State Soil Conservation Committee and the State Soil Conservation Districts; providing that the name of such agencies shall be changed to the State Soil and Water Conservation Committee and the State Soil and Water Conservation Districts.

*Be It Enacted by the Legislature of Alabama:*

Section 1. The State Soil Conservation Committee existing pursuant to Chapter 6, Section 660 of Title 2 of the Code of Alabama of 1940, as amended, is hereby renamed and shall be known and designated as the State Soil and Water Conservation Committee.

Section 2. Any Soil Conservation District organized and existing under authority of Chapter 6, Section 661, of Title 2, Code of Alabama of 1940, as amended or any such Soil Conservation District that may hereafter be created under authority of such law, shall be known and designated as Soil and Water Conservation Districts.

Section 3. None of the powers, authority, duties, or functions of the State Soil Conservation Committee and Soil Conservation Districts created and existing pursuant to Chapter 6 of Title 2, Code of Alabama of 1940 shall be changed, revised, abated or impaired by the provisions of this Act as it is the intent and purpose of this Act only to change the name of the State Soil Conservation Committee and Soil Conservation Districts as provided by Section 1 and 2 hereof.

Section 4. This Act shall become effective on January 1, 1966.

Approved October 29, 1965.

Time: 10:12 A. M.

Act No. 18 H. 55—Engel, McDermott, Hogan, Turner  
(Crenshaw), Smith

### AN ACT

To provide for the issuance of special personalized prestige license tags to owners of private passenger or pleasure motor vehicles upon which, in lieu of the numbers prescribed by law, shall be inscribed such special letters, numbers or other special marks, emblems, symbols or

badges of distinction or personal prestige, or combination thereof, as are approved by the state department of revenue; to prescribe an additional fee for such special personalized tags; to regulate the use of such tags; to provide for the distribution and use of the proceeds derived from additional fees for such personalized tags; and to prescribe penalties.

*Be It Enacted by the Legislature of Alabama:*

Section 1. Owners of motor vehicles who are residents of Alabama upon application, complying with the state motor vehicle laws relating to registration and licensing of motor vehicles and payment of the regular license fee for tags, as provided by law for private passenger or pleasure motor vehicles, and the payment of an additional fee of \$10.00 shall be issued license plates upon which in lieu of the numbers prescribed by law, shall be inscribed such special letters, numbers or other marks, emblems, symbols or badges of distinction or personal prestige, or combination thereof, as are approved for and assigned to the applicant by the state department or revenue.

Section 2. The state department of revenue shall make such rules and regulations as necessary to insure compliance with all state license laws relating to use and operation of a private passenger or pleasure motor vehicle which must be complied with before these tags in lieu of the regular Alabama license plates may be obtained, and such rules and regulations as necessary to provide for the application for and issuance of such special tags.

Section 3. The state department of revenue shall, on or before the first day of January of each year, furnish to the sheriff of each county of the State of Alabama an alphabetically arranged list of the names, addresses and license tag letters, numbers or other special marks, emblems, symbols or badges of distinction or personal prestige or combination thereof, of each person to whom a license tag is issued under the provisions of this act, and it shall be the duty of the sheriffs of the state to maintain and to keep current such lists for public information and inquiry.

Section 4. No two owners will be issued identical plates for the same year. An owner who has procured special personalized prestige tags shall be entitled to have a plate issued for succeeding year bearing the same inscription, provided that he applies therefor within the time prescribed by the commissioner of revenue and pays the fee above prescribed. However, should the holder of a personalized plate fail within the prescribed time to apply for renewal thereof, then a plate of such design may in subsequent years be issued to any other person applying therefor.

Section 5. Any other provision of law to the contrary not-



withstanding, when an automobile for which a personalized plate has been issued is sold or otherwise disposed of, the seller must remove the personalized plate from such automobile, and he then may transfer said personalized plate to a newly-acquired automobile of the same class upon payment of the regular transfer fee and all other regular fees and taxes due upon the newly acquired automobile; provided, further that any automobile from which a personalized plate has been transferred or removed by a former owner shall be registered and licensed by its new owner for operation on the public roads in the same manner as any unlicensed vehicle, except that no ad valorem tax shall be due on such automobile if same was paid for the current year by the former owner.

Section 6. It shall be unlawful for any person to operate a motor vehicle bearing a personalized license plate not issued for or duly transferred to such vehicle. Any person violating this provision shall be guilty of a misdemeanor and, upon conviction, shall be fined not less than twenty-five dollars (\$25.00) and not exceeding one hundred dollars (\$100.00) for each offense.

Section 7. Twenty percent of the amount of all fees collected under this Act shall be deducted as a first charge thereon and is hereby appropriated each fiscal year to the department of revenue and the board of corrections, share and share alike, with which to pay the cost of manufacture and distribution of special personalized prestige tags and administering this Act. The balance of the proceeds of any fees collected hereunder is hereby appropriated for each fiscal year to the state bureau of publicity and information and may be used for the following purposes: To build, equip, operate and maintain tourist welcome centers at selected sites on highway thoroughfares on or near the state's borders; to pay salaries of welcome center staff members and such other personnel needed to supervise this statewide program; to purchase signs, photographic and other equipment needed to operate, promote and publicize these welcome centers; and the remainder shall be deposited to the state's travel promotion and advertising fund and used for travel promotion and travel advertising. Provided, however, the expenditure of the funds so appropriated shall be budgeted and allotted pursuant to Title 55, Article 3, chapter 4 of the Code of Alabama, 1940, and limited to the amount appropriated.

Section 8. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 9. All laws or parts of laws which conflict with this Act are repealed.

Section 10. This Act shall take effect upon the ratification

of an amendment to the Constitution submitted by H. B. 56, Third Special Session 1965. If the constitutional amendment is not approved upon its submission, the Act shall have no effect.

Approved October 29, 1965.

Time: 10:15 A. M.

Act No. 19

H. 58—Paulk, Goodwyn, Barnett, Nettles, Brewer, Glass, Owen, Sullivan, Jones (Covington), Holladay, Crawford, Stembridge, Moore, Turner (Limestone), Young, Branyon, Vacca, Sessions, Edwards (Escambia), Ingram, Bassett

### AN ACT

To provide a measure of protection to counties which are not represented by residents or qualified electors of the county in the house of representatives of the Alabama Legislature by authorizing and providing for legislative agents for all such counties; to prescribe the duties, qualifications and compensation of legislative agents; to provide for their election, term of office and removal from office; and to provide for filling vacancies in such office.

*Be It Enacted by the Legislature of Alabama:*

Section 1. Every county, which is a part of a legislative district composed of more than one county, whenever the representative of such district in the house of representatives of the Alabama Legislature is not a resident and qualified elector of the county shall be entitled to a legislative agent, if the court of county commissioners, board of revenue or other like county governing body in its discretion elects to so provide.

Section 2. County legislative agents shall be elected by the court of county commissioners, or other like county governing body. They shall possess the same qualifications and be entitled to the same amount of salary, allowances and other compensation, including per diem, subsistence, and travel allowances, as members of the Legislature; and such compensation and allowances shall be paid out of the state treasury in the same manner and at the same times that the compensation and allowances of members of the Legislature are paid.

Section 3. All legislative agents shall take the constitutional oath of office.

Section 4. It shall be the duty of legislative agents to protect to the best of their ability the interest of their respective counties; and to this end they shall attend and observe sessions

of the Legislature, and keep themselves informed of legislative actions, particularly those affecting their respective counties. They shall be privileged to attend legislative committee meetings.

Legislative agents shall not have the right to vote either in the Legislature or in a legislative committee; they shall, however, be entitled to the privilege of the floor in both houses of the Legislature.

Section 5. Legislative agents shall serve at the pleasure of the county governing body appointing them.

Section 6. No legislative representative shall during his continuance in office hold any other office of profit under this state or under the United States, except as a justice of the peace, constable, or notary public.

Section 7. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 8. All laws or parts of laws which conflict with this Act are repealed.

Section 9. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 29, 1965.

Time: 10:16 A. M.

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Act No. 20

H. 64—Fite

### AN ACT

To amend Code of Alabama 1940, Title 32, Section 24, in relation to the time allowed the clerk of the house and the secretary of the senate for compiling and filing the journals of the two houses after each session.

*Be It Enacted by the Legislature of Alabama:*

Section 1. Code of Alabama 1940, Title 32, Section 24, is hereby amended to read as follows:

“Section 24. For the purpose of checking, comparing, completing and filing the journals of their respective houses in the office of the secretary of state, and copying and delivering the journals to the state printer, the secretary of the senate and the clerk of the house shall be allowed the following clerical assistants. The secretary of the senate is hereby allowed the assistant secretary, second assistant secretary, the chief clerk and the reading clerk of the senate, enrolling and engrossing

clerk, together with twelve assistants to be named by the secretary of the senate; and the clerk of the house shall be allowed the assistant clerk, second assistant clerk, the reading clerk, the chief clerk to the clerk of the house, enrolling and engrossing clerk, together with twelve assistants to be named by the clerk of the house; and the secretary of the senate and the clerk of the house shall be allowed six weeks with said clerical assistants within which to check, compare and deliver the journals of the senate and the house of representatives of each session of the legislature to the secretary of state and the state printer, provided, however, the journals of the ten day or organization session of the legislature shall be compiled, combined and filed with the journals of the next ensuing regular session. The time allowed after final adjournment of any session, but not the ten day or organization sessions, of the legislature for the filing of the journals in the office of the secretary of state and completing the work above mentioned is hereby fixed at six weeks. When there is a special session during, or within six weeks after the final adjournment of a regular session, or where there is a regular session within six weeks after the final adjournment of a special session, or when there is a special session within six weeks after the final adjournment of a special session, the time for comparing and filing the journals of such sessions, including the indices, shall be extended for each such session for such period of time as the speaker of the house and the president of the senate may determine to be necessary for the clerk and secretary to have sufficient time within which to transcribe and file the journals of each house, provided, however, the extended time shall not exceed a total of six weeks for each such session. If the time be extended as herein provided, the speaker of the house and the president of the senate shall give written notice to the secretary of the state and to the state printer of such extension."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 29, 1965.

Time: 10:17 A. M.

Act No. 21

H. 65—Sullivan

### AN ACT

Relating to counties having a population of not less than 21,850 nor more than 21,950 according to the most recent federal decennial census; to authorize the county governing body in any such county to appropriate and use certain county funds and to designate and use certain county

property, buildings, and facilities in order to qualify for and receive federal assistance under the federal Economic Opportunity Act of 1964.

*Be It Enacted by the Legislature of Alabama:*

Section 1. The court of county commissioners, board of revenue, or other like governing body in any county of the state having a population of not less than 21,850 nor more than 21,950 according to the most recent federal decennial census shall have authority to appropriate and use such sums from the general funds of the county not otherwise appropriated, and to designate and use such county property, buildings, and facilities, as may be necessary to enable the county to participate in programs and receive benefits and funds provided for and made available by and from the federal government under Public Law 88-452, known as the Economic Opportunity Act of 1964, as approved by Congress on August 20, 1964, when such county governing body, in its discretion, considers such action to be in the best interests of the county. Provided, however, that such sums and such property, buildings, and facilities shall not be appropriated, designated, or used in any manner which conflicts with the Constitution or statutes of the State of Alabama.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 29, 1965.

Time: 10:18 A. M.

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Act No. 22            H. 67—Callahan, Brown (Tuscaloosa), Campbell  
(Tuscaloosa)

### AN ACT

To apply in all those counties in Alabama having a population of not less than 100,000 nor more than 115,000 inhabitants according to the most recent or any subsequent federal decennial census and to exempt certain individuals and firms from the provisions of Act No. 79 of the Extraordinary Session of 1961, approved September 15, 1961 and other provisions.

*Be It Enacted by the Legislature of Alabama:*

Section 1: This Act shall only apply in all those counties of Alabama having a population of not less than 100,000 nor more than 115,000 inhabitants according to the most recent or any subsequent federal decennial census.

Section 2: In all those counties of this state coming within the purview of this Act, all individuals, firms, corporations or partnerships having a trade name using the word "engineering",

“engineers”, or “engineering company”, who were operating as such for a period of five years prior to the enactment of Act No. 79 of the Extraordinary Session of 1961, approved September 15, 1961 are hereby excepted from the operation of said Act.

Section 3: This Act shall take effect immediately upon its passage and approval by the Governor or its otherwise becoming a law.

Approved October 29, 1965.

Time: 10:19 A. M.

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Act No. 23            H. 68—Callahan, Brown (Tuscaloosa), Campbell  
(Tuscaloosa)

### AN ACT

To fix the Salaries of Deputy Circuit Solicitor No. 1, and Deputy Circuit Solicitor No. 2, of the Sixth Judicial Circuit of Alabama.

*Be It Enacted by the Legislature of Alabama:*

Section 1. That the salary of Deputy Circuit Solicitor No. 1 of the Sixth Judicial Circuit shall be \$8400 per annum, \$2400 of this salary shall be paid by the State in the same manner as salaries of other state officers are paid and the remaining \$6000 thereof shall be paid by Tuscaloosa County from the General Fund of said County, as the salaries of other County officers are paid.

Section 2. That the salary of Deputy Circuit Solicitor No. 2 of the Sixth Judicial Circuit shall be \$8400 per annum, \$2100 of this salary shall be paid by the State in the same manner as salaries of other state officers are paid and the remaining \$6300 thereof shall be paid by Tuscaloosa County from the General Fund of said County, as the salaries of other County officers are paid.

Section 3. That all laws or parts of laws which conflict with this act are repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 29, 1965.

Time: 10:20 A. M.

Act No. 24

H. 70—Scurlock

## AN ACT

To fix, regulate, and alter the compensation of certain officers of Walker County, place such officers on a salary basis, and provide for the operation of their offices on such basis, as authorized by Constitutional Amendment No. 127.

*Be It Enacted by the Legislature of Alabama:*

Section 1. The following designated officers of Walker County shall be entitled to compensation on the basis of a salary as herein fixed, to wit:

For the sheriff, \$12,000, per annum;

For the judge of probate, \$12,000 per annum;

For the tax assessor, \$9,000 per annum;

For the tax collector, \$9,000 per annum;

For the clerk of the circuit court, \$9,000 per annum;

to become effective as to each officer named when signed by the Governor of Alabama, if and when Act #63 of the 1963 Acts of Alabama, which was approved April, 1963, should be declared unconstitutional. The salaries of such officers shall be in lieu of fees, commissions, allowances, percentages, charges, and costs, except as otherwise provided in this Act, and shall be the entire compensation of the officer for the performance of the duties of his office and all duties attached to the office by general, special, or local laws.

Section 2. The court of county commissioners, board of revenue, or other like governing body of Walker County, shall provide each officer with clerks, deputies, and assistance as follows:

(1) The judge of probate shall be allowed an amount not exceeding \$21,000 per annum for clerical help;

(2) The circuit court clerk shall be allowed an amount not exceeding \$4,800 per annum for such help;

(3) The tax assessor shall be allowed an amount not exceeding \$9,200 per annum for such help;

(4) The tax collector shall be allowed an amount not exceeding \$4,800 per annum for such help;

(5) The sheriff shall be allowed a cook for the jail at a salary of \$150 a month, a secretary for his office at a salary of \$200 per month, and the same number of jailers, deputies, and

other assistants as now prescribed by law, who shall receive such compensation and allowances as may be fixed by law.

Each officer shall appoint his own deputies, clerks and assistants, and shall fix their compensation, except as herein otherwise provided. The county governing body may also in its discretion provide each officer with additional clerks, deputies, and assistants whenever that is considered necessary for the efficient conduct of the affairs of the county.

Section 3. The court of county commissioners, board of revenue, or like governing body of Walker County shall provide the judge of probate, sheriff, tax assessor, tax collector, and clerk of the circuit court such books, stationery, office equipment, supplies, postage, and other conveniences as may be necessary for the proper and efficient conduct of the affairs of the respective offices, but not including motor vehicles, except for the sheriff or his deputies. The county governing body shall furnish the sheriff with four automobiles and pay the cost of maintaining and operating the same, and shall provide the necessary fuel for preparing food for prisoners.

Section 4. The fees, commissions, percentages, allowances, charges and court costs heretofore collectible for the use of any named officer shall hereafter be collected for the use of Walker County and shall be paid into the general fund of the county. Provided the sheriff shall be entitled to the allowances payable by the State for feeding prisoners and also such mileage and expense allowances as may be payable according to law for returning or transferring prisoners and insane persons to or from points outside Walker County. The compensation of the officers named and of their clerks, deputies and other assistants, shall be paid in equal monthly installments from the general funds of the county.

Section 5. All laws or parts of laws which conflict with the Act are repealed.

Section 6. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 7. This Act shall become effective as to each officer named when signed by the Governor of Alabama, if and when Act #63 of the 1963 Acts of Alabama, which was approved April, 1963, should be declared unconstitutional.

Approved October 29, 1965.

Time: 10:21 A. M.



Act No. 25

H. 74—Ingram

## AN ACT

TO AMEND SECTIONS 6, 19, 20, 29 and 37, OF ACT NO. 100 (S. 68), REGULAR SESSION OF THE LEGISLATURE OF 1959 APPROVED JUNE 24, 1959, GENERAL ACTS OF 1959, AN ACT RELATING TO THE BOARD OF DENTAL EXAMINERS OF ALABAMA.

*Be It Enacted by the Legislature of Alabama:*

SECTION 1. Sections 6, 19, 20, 29 and 37 of Act No. 100 (S. 68) approved June 24, 1959, General Acts of 1959, an Act relating to the Board of Dental Examiners of Alabama, are hereby amended to read as follows:

"Section 6. Records to be kept by secretary-treasurer; copies and certificates as evidence. — The Secretary-treasurer of the board shall keep a registry in which shall be entered the names of all persons to whom license certificates have been granted under this chapter, the numbers of such license certificates, the dates of granting the same, and other matters of records, and he shall keep a true and correct copy of the minutes of all board meetings, and the book so provided and kept shall be the official book of records. A photostatic copy of said records, or a copy of said records certified by the secretary-treasurer and under the seal of the board, shall be admitted in any of the courts of this state as prima facie evidence of the facts contained in said records, and in lieu of the original thereof. A certificate under the hand of the secretary-treasurer and the seal of the board that there is not entered in such record books, the name and number of and date of granting such license certificate to a person charged with a violation of any of the provisions of this Act shall be prima facie evidence of the facts contained therein. Such certificates shall be admitted in any of the courts of this state in lieu of the records of the board. The original books, records, and papers of the board shall be kept at the office of the secretary-treasurer of the board, which office shall be at such place as may be designated by the board.

Section 19. Annual registration; suspension of license for failure to renew registration; waiver of fees. — No person shall practice dentistry in the State of Alabama unless licensed by the board and registered annually as required by this Act. The secretary-treasurer of the board shall mail to each such licensee an initial registration form which shall contain space for the insertion of his name, address, date and number of his license certificate, and such other information as the board shall deem necessary. The licensee shall sign and verify the accuracy of his registration before a notary public after which he shall

forward said registration to the secretary-treasurer of the board together with a fee established by the board not to exceed ten dollars (\$10.00). Each subsequent registration shall be made upon the form as above prescribed except that it need not be verified. On or before the first day of October of each year, every dentist licensed to practice dentistry in the state shall transmit to the secretary-treasurer of the board the completed form prescribed by the board, together with a fee established by the board not to exceed ten dollars (\$10.00), and receive therefor the current annual registration certificate authorizing him to continue the practice of dentistry in the state for a period of one year. Any license and license certificate previously granted under the authority of this or any prior dental practice act shall automatically be suspended if the holder thereof fails to secure the annual registration certificate herein provided for before the first day of January each year. Any dentist whose license shall be automatically suspended by reason of failure, neglect, or refusal to secure the annual registration certificate shall be reinstated by the board upon payment of the penalty fee of twenty-five dollars (\$25.00) plus all accrued annual registration fees up to a maximum of five (5) years, accompanied with the prescribed form for annual registration of such license. Upon failure of any licensee to file application for the annual registration certificate and pay the annual registration fee on or before the 30th day of November each year, the board shall notify such licensee by certified mail addressed to his last address of record that such application and fee have not been received and that unless such application and fee are received on or before the first day of January his license and license certificate shall be automatically suspended. The board shall notify such licensee by certified mail addressed to his last address of record the effective date of his automatic suspension and the provisions for registration of such license. The board shall waive the annual payment of fees herein provided for and issue a current annual registration certificate to any licensee who, because of age or physical disability, has retired from the practice of dentistry or who is suffering a malady of a lingering or permanent nature. The board by rule shall waive annual registration and the payment of fees while any licensee is on temporary active duty with any of the armed forces of the United States. The waiver of fees herein provided shall be effective so long as said retirement because of age or physical disability or temporary active duty continues.

**Section 20. Fees.** — The board shall collect fees provided for in this Act as follows:

Examination fee for dental applicants,	
to be fixed by the board	\$25.00 to \$50.00

Examination for dental applicants under reciprocal agreements	\$50.00 to \$100.00
Examination and training permit fee for dental hygienists	\$20.00 to \$40.00
License certificate fee	\$10.00
Duplicate license certificate fee	\$10.00
Annual registration certificate fee	up to \$10.00
Duplicate annual registration certificate fee	\$ 1.00
Teaching permit	\$ 5.00

Section 29. Statement of charges and notice of hearing before revocation or suspension of license. — No action to revoke or suspend a license shall be taken until the licensee has been furnished a statement in writing of the charges against him, together with a notice of the time and place of the hearing. The statement of charges and notice shall be served upon the licensee at least twenty (20) days before the date fixed for hearing, either personally or by certified mail sent to his last known post office address.

Section 37. Dental hygienists; duty to notify board of change of address or employer, procure registration certificate. — It shall be the duty of all licensed dental hygienists to notify the secretary-treasurer of the board of any change of address or employer and have issued to them an annual registration certificate by the board. Any dental hygienist whose license shall be automatically suspended by reason of failure, neglect or refusal to secure the annual registration certificate may be reinstated by the board upon payment of the penalty fee of ten dollars (\$10.00) plus the current year's registration fee. The form and method provided for in Section 19 of this Act shall apply to the annual registration of dental hygienists."

SECTION 2. All laws or parts of laws which conflict with the provisions of this Act are hereby repealed.

SECTION 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 29, 1965.

Time: 10:25 A. M.

Act No. 26

H. 77—Cantrell

## AN ACT

Relating to all counties in the State of Alabama having a population of not less than 46,400 nor more than 47,000 inhabitants according to the last or any subsequent federal decennial census; authorizing the Board of Revenue or other like governing body of such counties to set aside, appropriate, use and expend county funds or revenues for the purpose of providing contributions to non-profit Community Action Committees, boards and groups heretofore formed in such counties under the Economic Opportunity Act of 1964, Public Law 88-452, 88th Congress, S. 2642 and approved by the Office of Economic Opportunity.

*Be It Enacted by the Legislature of Alabama:*

Section 1. This Act shall apply in all counties having a population of not less than 46,400 nor more than 47,000 inhabitants according to the last or any subsequent federal decennial census.

Section 2. The Board of Revenue or like governing body in all counties to which Act applies is hereby authorized to set aside, appropriate, use and expend county funds or revenues for the purpose of providing contributions to non-profit Community Action Committees, boards and groups heretofore or hereafter formed in such counties under the Economic Opportunity Act of 1964, Public Law 88-452, 88th Congress S. 2642 and approved by the Office of Economic Opportunity.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 29, 1965.

Time: 10:25 A. M.

Act No. 27

H. 79—Fite

## AN ACT

Relating to all counties in the State of Alabama having a population of not less than 21,000 nor more than 21,870 inhabitants according to the last or any subsequent federal decennial census; authorizing the Board of Revenue or other like governing body of such counties to set aside, appropriate, use and expend county funds or revenues for the purpose of providing contributions to non-profit Community Action Committees, boards and groups heretofore formed in such counties under the Economic Opportunity Act of 1964, Public Law 88-452, 88th Congress, S. 2642 and approved by the Office of Economic Opportunity; giving the Act certain retroactive effect.

*Be It Enacted by the Legislature of Alabama:*

Section 1. This Act shall apply in all counties having

a population of not less than 21,000 nor more than 21,870 inhabitants according to the last or any subsequent federal decennial census.

Section 2. The Board of Revenue or like governing body in all counties to which Act applies is hereby authorized to set aside, appropriate, use and expend county funds or revenues for the purpose of providing contributions to non-profit Community Action Committees, boards and groups heretofore or hereafter formed in such counties under the Economic Opportunity Act of 1964, Public Law 88-452, 88th Congress S. 2642 and approved by the Office of Economic Opportunity.

Section 3. This Act is remedial and shall be given retroactive effect to December 31, 1964.

Approved October 29, 1965.

Time: 10:26 A. M.

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Act No. 28

H. 81—Turnham

### AN ACT

To amend section 374 of Title 51 of the 1940 Code of Alabama, as amended, so as to exempt from income tax compensation for active service as a member of the Armed Forces of the United States in a combat zone.

*Be It Enacted by the Legislature of Alabama:*

Section 1. Section 374 of Title 51 of the 1940 Code of Alabama, as amended by Act No. 872, approved September 19, 1953, is amended further to read as follows: "Section 374. INCOME OF OFFICERS OR AGENTS OF THE UNITED STATES, ETC., RECEIVED FROM THE UNITED STATES, OR FROM ITS AGENCIES AND INSTRUMENTALITIES. — The salaries, fees, commissions, or other income of officers or agents of the United States or its agencies and instrumentalities or its contractees, received from the United States or from its agencies and instrumentalities, shall be subject to income taxes levied by the State of Alabama as other income is taxed, but without discrimination, and only to the same extent, and in the same manner other income is taxed, insofar as the State of Alabama may be constitutionally or legally authorized to tax such income; provided, however, that money paid by the United States to a person as compensation for active service as a member of the Armed Forces of the United States in a combat zone designated by Executive Order of the President of the United States shall not be subject to income taxes levied by the State of Alabama for the calendar year 1965 or any subsequent year".

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 29, 1965.

Time: 10:27 A. M.

Act No. 29

H. 83—Campbell (Tuscaloosa)

### AN ACT

To amend Act No. 721, H. 1236, Regular Session 1965, approved 1 September 1965, being an act to provide an expense allowance for the Clerk of the Circuit Court in all counties in the State of Alabama having a population of not less than One Hundred Thousand (100,000) nor more than One Hundred Fifteen Thousand (115,000) inhabitants according to the last or any subsequent Federal decennial census.

*Be It Enacted by the Legislature of Alabama:*

Section 1. Section 2 of Act No. 721, H. 1236 of the Regular Session of the Legislature of Alabama of 1965, approved 1 September 1965, is amended to read as follows:

“Section 2. The provisions of this Act shall be effective only until the expiration of the term of office of each of said Clerks in January, 1971.”

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 29, 1965.

Time: 10:28 A. M.

Act No. 30

H. 89—Rogers, Goodwyn, Merrill

### AN ACT

To amend Act No. 549, General Acts of Alabama, Regular Session (1965), approved August 23, 1965, known as the Uniform Commercial Code, as follows: To provide that Article 3 of the Uniform Commercial Code, dealing with commercial paper, shall not apply to warrants issued to evidence borrowed money (or to refund any warrants so issued or to refund any such refunding warrants) by any municipal corporation, county, public authority, public corporation, or other similar public or governmental agency or unit of this state or of any political subdivision thereof; and to provide that Article 9 of the Uniform Commercial Code, dealing with secured transactions and with sales of accounts, contract rights and chattel paper, shall not apply to any security interest created in connection with any of its securities by this state, any municipal corporation, county, public authority, public corporation or other similar public or governmental agency or unit of this state, or any political

subdivision of any thereof, or by any educational institution or educational corporation organized under the laws of this state, whether such institution or corporation is public or private.

*Be It Enacted by the Legislature of Alabama:*

Section 1—Section 3-103 of Act No. 549, General Acts of Alabama, Regular Session (1965), approved August 23, 1965, known as the Uniform Commercial Code, is amended to read as follows:

**"Section 3-103. Limitations on Scope of Article.**

"(1) This Article does not apply to money, documents of title or investment securities, or to warrants issued to evidence borrowed money (or to refund any warrants so issued or to refund any such refunding warrants) by any municipal corporation, county, public authority, public corporation, or other similar public or governmental agency or unit of this state or of any political subdivision thereof.

"(2) The provisions of this Article as subject to the provisions of the Article on Bank Deposits and Collections (Article 4) and Secured Transactions (Article 9)."

Section 2—Section 9-104 of Act No. 549, General Acts of Alabama, Regular Session (1965), approved August 23, 1965, known as the Uniform Commercial Code, is amended to read as follows:

**"Section 9-104. Transactions Excluded From Article.**

"This Article does not apply

"(a) to a security interest subject to any statute of the United States such as the Ship Mortgage Act, 1920, to the extent that such statute governs the rights of parties to and third parties affected by transactions in particular types of property; or

"(b) to a landlord's lien; or

"(c) to a lien given by statute or other rule of law for services or materials except as provided in Section 9-310 on priority of such liens; or

"(d) to a transfer of a claim for wages, salary or other compensation of an employee; or

"(e) to an equipment trust covering railway rolling stock; or

"(f) to a sale of accounts, contract rights or chattel paper as part of a sale of the business out of which they arose, or an assignment of accounts, contract rights or chattel

paper which is for the purpose of collection only, or a transfer of a contract right to an assignee who is also to do the performance under the contract; or

“(g) to a transfer of an interest or claim in or under any policy of insurance or contract for an annuity including a variable annuity; or

“(h) to a right represented by a judgment; or

“(i) to any right of set-off; or

“(j) except to the extent that provision is made for fixtures in Section 9-313, to the creation or transfer of an interest in or lien on real estate, including a lease or rents thereunder; or

“(k) to a transfer in whole or in part of any of the following: any claim arising out of tort; any deposit, savings, passbook or like account maintained with a bank, savings and loan association, credit union or like organization; or

“(l) to any security interest created in connection with any of its securities by this state, any municipal corporation, county, public authority, public corporation or other similar public or governmental agency or unit in this state, or any political subdivision of any thereof, or by any educational institution or educational corporation organized under the laws of this state, whether such institution or corporation is public or private.”

Section 3 — If any provision or clause of this act or application thereof to any person or circumstances is held invalid, such invalidity shall not affect the other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

Section 4 — This act shall become effective at midnight on December 31, 1966.

Approved October 29, 1965.

Time: 10:13 A. M.

Act No. 31

H. 96—Hester

### AN ACT

Relating to counties having populations of not less than 21,900 nor more than 22,300, according to the most recent federal decennial census; to provide a per diem compensation payable out of the county treasury to the county sheriff for attending sessions of any inferior court created by law in the county.



*Be It Enacted by the Legislature of Alabama:*

Section 1. In each county having a population of not less than 21,900 nor more than 22,300, according to the most recent federal decennial census, the sheriff shall be paid two dollars (\$2.00) per day for each day spent in attendance upon the sessions of any inferior court created in the county by any general, special, or local law. The compensation herein provided for shall be paid out of the county treasury.

Section 2. The provisions of this Act are cumulative.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 29, 1965.

Time: 10:30 A. M.

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Act No. 32

H. 98—Rast, Perry, Morrow, Dominick,  
Gilmore, Sessions, Locke, Vacca,  
Bowers, Etheredge, Bailes,  
Hawkins, Collins (Jefferson)

### AN ACT

To authorize and empower the Board of Revenue, County Commission or like governing body in all counties of this State having a population of 400,000 or more inhabitants according to the last or any subsequent federal census, to construct, maintain and improve lateral sewer lines in subdivisions located outside the limits of municipalities in such counties, such lateral sewer lines to be constructed or improved under the provisions of and subject to the terms and provisions of Act No. 520 of the 1947 Regular Session of the Legislature of Alabama, approved September 30, 1947 (1947 General Acts, p. 357-373).

*Be It Enacted by the Legislature of Alabama:*

Section 1. The provisions of this Act shall apply to all counties in this State having a population of 400,000 or more inhabitants, according to the last or any subsequent federal census and shall authorize and empower the Board of Revenue, County Commission or like governing body in all such counties subject to the provisions of this Act to construct, maintain and improve lateral sewer lines in subdivisions located outside the limits of municipalities situated in such counties, such construction, maintenance or improvements to be under the provisions of and subject to the terms and provisions of Act No.

520 of the 1947 Regular Session of the Legislature of Alabama, approved September 30, 1947 (1947 General Acts, P. 357-373).

Section 2. All laws or parts of laws in conflict with this Act are hereby expressly repealed.

Section 3. This Act shall become effective upon its adoption and approval by the Governor or its otherwise becoming a law.

Approved October 29, 1965.

Time: 10:31 A. M.

Act No. 33

H. 99—Vacca, Etheredge, Sessions, Rast,  
Gilmore, Locke, Bowers,  
Dominick, Bethea (M), Perry

#### AN ACT

TO FURTHER AMEND ACT NO. 929 OF THE REGULAR SESSION OF THE LEGISLATURE OF ALABAMA OF 1951, APPROVED SEPTEMBER 12, 1951, (Acts of the Regular Session of the Legislature of Alabama of 1951, pages 1571 et seq.) as heretofore amended.

*Be It Enacted by the Legislature of Alabama:*

Section 1. Section 23 of Act No. 929 of the Legislature of Alabama of 1951, approved September 12, 1951 (Ala. Acts 1951, pages 1595-1597), as heretofore amended, is hereby further amended to read as follows:

Section 23. Board of Managers. (a) There shall be a Board of Managers of five members for the administration, management, and control of the system including administration, management, control, acquisition and disbursement of the fund. The Board shall consist of the Mayor of the City, who shall be Chairman of the Board and four associate members designated respectively as "member number one", "member number two", "member number three", and "member number four". Member number one shall be appointed by the personnel board to serve for a four year term. Any vacancy in member seat number one shall be filled by the personnel board to serve for such unexpired term. Member number two shall be elected by members of the system in the active service of the City by secret ballot at the time and for the term hereinafter specified. The first person elected as member number two shall be a member of the system. For the purpose of rotating member number two between members of the fire department and the police department and members of the system not in the fire department or police department it is hereby provided that if the person first elected as

member number two is a member of the fire department or police department the person elected to fill the first full term of member number two next following the first term shall be a member of the system not belonging to either the fire department or police department; and if the person first elected as member number two is not a member of the fire department or police department the person elected to fill the first full term of member number two next following the first term shall be a member of the fire department or the police department. Thereafter member number two shall be elected alternately from employees belonging to the fire department or the police department and from members belonging to neither the fire department or police department; provided, however, that in the event of a vacancy the person elected to fill the unexpired term shall be elected from the members of the fire department or police department if the person last holding the vacant position was a member of the fire department or police department or from employees not belonging to either of said two departments if the person last holding the vacant position was not a member of either of said two departments. The first election to fill the positions of member number two shall be at a time prescribed by the City Council as soon as practicable and in any event within sixty days from the date of the creation of the said position held by member number two. The Council shall have the authority to prescribe rules and regulations concerning the election of member number two not inconsistent with this Act and to change the rules and regulations. Member number two shall be elected for a term of four years which shall commence to run from the date on which the result of the election is declared. Any elected or appointed member of the Board may serve beyond his term until his successor is appointed or elected. Member number three shall be appointed for a four-year term by the Mayor and shall have more than ten years experience in an executive capacity in insurance, actuarial, investment, or banking work. Member number four shall be a person not a member of the system who has had more than ten years experience in an executive capacity in insurance, actuarial, investment, or banking work. Member number four shall be elected for a four year term by the membership of the system by secret ballot at an election called by the Council after 30 days notice. Nominations of persons to fill the position of member number four shall be made in writing to the council and filed with the Clerk of the city by members of the system and such nominations must be filed more than ten days prior to the date of the election.

In the event of a vacancy on said board of managers, a person to fill the vacant position shall be elected or appointed in the same manner in which the person last holding the said

position was elected or appointed. Members number one and two of the Board shall be bona fide residents and qualified voters of the City. Member number three and four shall be residents of the county, and qualified voters of such county.

(b) The Board shall meet on the second Thursday in each calendar month; provided, however, that the Board shall not be required to meet unless there is pending before the Board some application for a pension, relief or benefit or unless there is pending some other matter requiring consideration by the Board; and provided, further, that the Board by and through a resolution adopted by it may change the regular meetings from Thursday to such other time as may be convenient to the Board. Any three Board members, after due notice having been given to all members of the Board, may meet in special meeting and transact any business of the Board, provided, however, the Secretary be present and record the proceedings of the special meeting as hereinafter provided. The Board shall meet in the office of the Chairman or such other place as the Board may designate.

The Personnel Director shall be Secretary of the Board and shall be present at every meeting of the Board and keep a record of all proceedings of the Board and of all orders and decisions of the Board. No salary or compensation shall be paid to the Secretary or to member number two. Members number one, number three and number four shall receive Ten Dollars (\$10) for each meeting attended but not more than Twenty Dollars (\$20) for meetings attended in any one calendar month. Three members of the Board, when assembled either in regular or special meeting, shall constitute a quorum for the transaction of any and all business of the Board and the affirmative vote of three members shall be necessary and sufficient to pass any motion or resolution.

The Board is empowered to make rules and regulations not inconsistent with the provisions of the system in relation to its affairs and the system. The Board shall receive, investigate and pass upon all applications for retirement and disability and widow allowances and shall make retirement and disability and widow allowances in accordance with the system to all persons entitled thereto under the system, and its decision upon all matters of fact shall be final and conclusive unless it shall be affirmatively made to appear that its decision is plainly and manifestly wrong. The Board is authorized to borrow money up to the par value of the securities of the fund and to pledge such securities for repayment of the money borrowed. No money of the fund shall be invested, paid out or disbursed except pursuant to order or authorization of the Board. The Board shall be trustee, and have entire management and control of

the fund, and shall direct investment of monies of the fund not needed to meet disbursements provided for in this Act in the loans to members hereinabove referred to and in bonds of the United States Government, or general obligation bonds of the State of Alabama, or general obligation bonds of any municipality or county of the State of Alabama, or in Federal Savings and Loan Associations, or in other corporations having Federal Savings and Loan Association's guarantee, or in bonds or common or preferred stock of corporations organized under Federal laws or the laws of any State of the United States, or may invest in certificates of deposit or bonds issued by banks organized under Federal laws or under laws of the State of Alabama; provided, however, that not more than ten thousand dollars shall be invested in any one Federal Savings and Loan Association, or in any one corporation having Federal Savings and Loan Association's guarantee; and provided, further, that no funds shall be invested in bonds or common or preferred stock of private corporations unless such bonds or common or preferred stock are listed upon Exchanges subject to the jurisdiction of the Securities and Exchange Commission and the aggregate value of the funds invested in such bonds of corporations last referred to above shall not exceed thirty-three and two-thirds per cent ( $33\frac{2}{3}\%$ ) of all the funds available in the system for investments, nor shall the total investment in common or preferred stocks of such corporations exceed 5% of all the funds available in the system for investments.

The Board of Managers is authorized to secure, and to pay for with funds of the system, investment counsel and investment advice from individuals or firms experienced and specializing in furnishing such advice, and also the advice and services of accountants and auditors and legal advice and services and such other professional counsel, advice and services as the said Board deems necessary for the proper management and administration of the system.

In addition to methods of removal hereinabove provided for, any member of the Board may be removed by impeachment for corruption or malfeasance in office or for habitual neglect of duty.

(c) The Board of Managers shall make a study of the provisions of this Act, and at such time or times as the Board may deem appropriate it shall have authority to employ at the expense of the fund such actuarial assistance and other aid as the study may require to determine the following questions: (1) Are the contributions to the fund sufficient to pay the benefits provided herein? If not, what additional contributions are necessary? (2) Are the benefits provided herein sufficient in amount to consume the contributions required herein, or are

they as large as to render the fund insolvent, and in the event of the finding of either contingency, what adjustments should be made? (3) What provision should be made either in contributions by employees or by the city to render the fund solvent with respect to allowances made for prior service? The said Board must present to the members of the Legislature, not later than thirty days before the convening of any regular session, a report of the financial condition of the system, together with drafts of such laws as it may deem necessary to keep or make the fund actuarially solvent. They shall accompany their report with the reasons why they recommend the measures included in their report for making it solvent, setting out in detail what benefits they recommend be reduced, or what additional contributions they recommend being made. And the Legislature shall give prompt and full consideration to such report to the end that said fund may be solvent, safe and permanent for the protection of the employees covered thereby."

Section 2. This act shall become effective upon its approval by the Governor or upon its otherwise becoming a law, provided, however, that subsection (a) of Section 23 of said Act No. 929, as amended herein by Section 1 of this Act shall not become effective until January 1, 1966.

Approved October 29, 1965.

Time: 10:31 A. M.

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Act No. 34

H. 102—Hankins

### AN ACT

Relating to counties having a population of not less than 13,700 nor more than 14,300 according to the most recent federal decennial census; to authorize the county governing body in any such county to appropriate and use certain county funds and to designate and use certain county property, buildings, and facilities in order to qualify for and receive federal assistance under the federal Economic Opportunity Act of 1964.

*Be It Enacted by the Legislature of Alabama:*

Section 1. The court of county commissioners, board of revenue, or other like governing body in any county of the state having a population of not less than 13,700 nor more than 14,300 according to the most recent federal decennial census shall have authority to appropriate and use such sums from the general funds of the county not otherwise appropriated, and to designate and use such county property, buildings, and facilities, as may be necessary to enable the county to participate in programs and receive benefits and funds provided for and made available by and from the federal government under Public Law 88-452,

known as the Economic Opportunity Act of 1964, as approved by Congress on August 20, 1964, when such county governing body, in its discretion, considers such action to be in the best interests of the county. Provided, however, that such sums and such property, buildings, and facilities shall not be appropriated, designated, or used in any manner which conflicts with the Constitution or statutes of the State of Alabama.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 29, 1965.

Time: 10:32 A. M.

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Act No. 35

H. 104—Engel, McDermott, Hogan

### AN ACT

To amend Act Number 55, approved April 8, 1955, (General Acts of 1955, page 165), an Act supplementing the salary in judicial circuits composed of one county having not less than four nor more than nine circuit judges.

*Be It Enacted by the Legislature of Alabama:*

Section 1. Section 1 of Act Number 55, approved April 8, 1955, an act providing for supplementing salary in judicial circuit composed of one county and having not less than four nor more than nine circuit judges (General Acts 1955, page 165), is amended further to read as follows:

“Section 1. Any supernumerary circuit judge in any judicial circuit now or hereafter composed of any one county, and having not less than four nor more than nine circuit judges, shall be entitled to receive as additional compensation payable from the treasury of the county the sum of two thousand dollars (\$2,000.00) per year. The salary provided for herein is supplementary to the salary paid such judges by the state, and shall be paid out of the general funds of the county, in 12 equal monthly installments, on warrant properly drawn against such funds.”

Approved October 29, 1965.

Time: 10:35 A. M.

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Act No. 36

H. 105—Engel, McDermott, Collins (Mobile)

### AN ACT

To amend further Act No. 470, H. 952 of the Regular Session of

1939 (Local Acts 1939, p. 298) which creates and establishes the county-wide civil service system in Mobile County.

*Be It Enacted by the Legislature of Alabama:*

Section 1. Sections I, II, and VII of Act No. 470, H. 952 of the Regular Session of 1939 (Local Acts 1939, p. 298), which creates and establishes the countywide civil service system in Mobile County, are hereby amended to read as follows:

"Section I. DEFINITIONS. In this Act, words used in the masculine gender include the feminine and neuter genders, and words used in the neuter gender include the masculine and feminine genders. The following words, terms, and phrases, wherever used in this Act, shall have the meanings respectively ascribed to them in this Section unless the context plainly indicates a contrary meaning: (1) **'Committee'** means the Supervisory Committee created by this Act. (2) **'Board'** or **'The Board'** means the Personnel Board created by this Act. (3) **'Municipality'** or **'Such Municipality'** or **'City'** means a duly incorporated town, village, or city within Mobile County. (4) **'Director'** means the Personnel Director created by this Act. (5) **'Appointing Authority'**, or **'Appointing Power'** means a person, officer, board, commission, or other body or person whose lawful jurisdiction or powers are confined wholly or primarily within the territorial limits of Mobile County, or any incorporated city or town therein, and who or which have the power to make appointments to offices or positions of employment or trust in any of the Classified Service as in this Act defined. (6) **'Employee'** or **'Appointee'** means a person in the Classified Services herein set up and appointed by an Appointing Authority, unless herein specifically excepted. (7) (a). The **'Classified Service'** includes all offices, positions, and employment in Mobile County or any such city therein as these offices, positions and employment now exist or as they may hereafter exist, the holders of which are paid whether by salary, wages or fees in whole or in part from public funds of Mobile County or any such city, or the holders of which receive their compensation from any elected official or Appointing Authority and perform duties pertaining to the office of such elected official or officer, or other Appointing Power, except those placed in the **'Unclassified Service'** by Section Two hereof. (7) (b) It is also intended that the classified service shall include the administrative personnel of the Mobile Housing Board; provided, that the appointive members of such board shall not be so included. All such administrative personnel employed by the Mobile Housing Board on July 1, 1966, shall be blanketed in as civil service employees without standing the initial test provided for in Act No. 470, H. 952 of the Regular Session of 1939. (8) **'Employment Register'** means records containing names of those persons who have



successfully completed their prescribed tests, listed and ranked in order of their final earned average from the highest to the lowest. (9) **'Roster'** means records of persons in the Classified Service, containing information as to their service. (10) **'Tests'** means written and/or oral examinations and/or other methods established by rules and regulations of the Board and/or the Director as herein provided, to determine the merit, efficiency, and general fitness of applicants for positions. (11) **'Public Hearings'** means a meeting of the Board, open to the public, whereat any citizen, taxpayer, or party at interest may appear and be heard subject to such rules and regulations as may be fixed by the Board. (12) **'Public Record'** means a record which the public shall have the right to inspect in a reasonable manner during ordinary business hours. (13) **'Rules'** means the regulations adopted by the Board for carrying out the provisions of this Act.

"Section II. UNCLASSIFIED SERVICE: The following shall be in the Unclassified Service: (1) Officials elected by popular vote and, in case of death, resignation, or removal, their legal substitute; (2) Where by present law official duties of any officer mentioned in subdivision One of this section are or may be performed by a chief assistant appointed by him, such chief assistant; (3) Principals, supervisors, teachers and instructors in the Public Schools engaged in teaching and/or supervising teaching, and all employees of the Mobile County School Board; (4) The Personnel Director provided for by this Act; (5) Independent contractors receiving their remuneration from public funds under contracts awarded by competitive bidding; (6) Persons in the 'Classified Service' within the meaning of and subject to the State of Alabama merit system under any present or future law, and so long as any such law remains effective. (7) Common laborers not engaged in regular employment. (8) Attorneys, physicians, surgeons, and dentists employed in their professional capacities. (9) The Judge of any Court. (10) Members of Board who are not employed on a full time basis and are not required to devote their services exclusively to such counties and cities therein. (11) Any person whose employment is subject to the approval of the United States Government or of any agency thereof. (12) Chief hospital administrator and interns, student technicians, and student nurses while undergoing training in a hospital maintained by public funds.

"Section VII. PERSONNEL BOARD: The Personnel Board shall consist of three members designated respectively as Member Number One, Member Number Two, and Member Number Three, each of whom shall be over 21 years of age, of recognized good character and ability, a bona fide resident and a qualified elector of Mobile County, and shall not, when ap-

pointed, nor for the three years then next preceding the date of his appointment have held public office, nor have been a candidate for such. If any person actively solicits a position on such Board, the Committee may, for this reason, refuse to consider his appointment. The Board shall meet once a month on dates to be fixed by its Rules and regulations and as much oftener as shall be necessary for the orderly dispatch of its business. The members of the Board shall be selected for the following terms and in the following manner: the Supervisory Committee of the Mobile County Personnel Board shall, within thirty days after September 15, 1939, appoint all three members and shall appoint the successors of said Board Members within thirty days after a term expires or a vacancy occurs. Member Number One shall hold office for a term of two years beginning on September 15, 1939 and until his successor is appointed and has qualified. His successors shall hold office for terms of six years, the first of which shall begin September 15, 1941 and the subsequent terms shall begin each six years thereafter. Member Number Two shall hold office for a term of four years beginning on September 15, 1939 and until his successor is appointed and has qualified. His successors shall hold office for terms of six years, the first of which shall begin September 15, 1943 and the subsequent terms shall begin each six years thereafter. Member Number Three shall hold office for a term of six years beginning on September 15, 1939 and until his successor has been appointed and has qualified. His successors shall hold office for terms of six years, the first of which shall begin on September 15, 1945, and the subsequent term shall begin each six years thereafter. In the event of a vacancy on the Board occasioned by death, resignation, impeachment or other cause, such vacancy shall be filled by the Supervisory Committee of the Mobile County Personnel Board for the then unexpired term. Each Member shall receive twenty dollars for each meeting of the Board provided no Member shall receive more than Eighty Dollars (\$80.00) compensation for services during any one month. This compensation shall be paid as provided in Section 30 hereof. It shall be the duty of the Board as a body: (1) To select a Personnel Director as hereinafter provided in Section 9 of this Act. (2) After a Public Hearing or Hearings to adopt and amend Rules and regulations for the administration of this Act, as hereinafter provided. (3) After a Public Hearing or Hearings to adopt, modify, or reject such Classification and Compensation Plans for the Classified Service together with Rules for their administration, as may be recommended by the Director after a thorough survey by him of the personnel and departmental organizations included in such plan or plans. (4) To make such investigations as, in the Board's opinion, are reasonable, either on petition of a citizen, taxpayer, or party at interest, or of its own motion,

concerning the enforcement and effect of this Act, and to require observance of its provisions and the Rules and Regulations made pursuant thereto. (5) To conduct hearings and to render decisions, as hereinafter provided, on charges preferred against persons in the Classified Service. (6) To make such investigations as, in the Board's opinion, are reasonable, as may be requested by the governing bodies of the County or of any City therein or by the Supervisory Committee and to report thereon to the governing body or Committee requesting same. (7) To consider and act on such matters as may be referred to the Board by the Director. (8) To represent the public interest in the improvement of personnel administration in the Classified Service. (9) To advise and assist the Director in fostering the interest of institutions of learning, civic, professional, and employee organizations in the improvement of personnel standards in the Classified Service. (10) To elect at the regular monthly meeting in April of each year one of its members to serve as Chairman of the Board for the ensuing twelve months. Should the Personnel Board fail to elect the Chairman within thirty days after the regular monthly meeting in April of each year, then such a Chairman shall be elected by the Supervisory Committee of the Mobile County Personnel Board. (11) Whenever by law or Rules of the Personnel Board any positions in the service of Mobile County or of any municipality or of any other Appointing Authority within Mobile County, are duly transferred to and designated as positions in the Classified Service, or whenever a municipality or other Appointing Authority shall hereafter become subject to the provisions of this Act, if such municipality or Appointing Authority at the time of becoming subject to this Act had in its employment employees or appointees in positions within the Classified Service, as defined in this Act, the Personnel Board may, in its discretion, continue any or all persons employed by the county, a municipality, or other Appointing Authority in the same positions which they, respectively, held when such positions became subject to this Act, without examination. Such employees shall thereby be given a permanent status and their continued employment, promotions and discharges shall in all matters be subject to and governed by this Act. It is the intent of this Act that all present employees or appointees of the County, any Municipality, Agency or other Appointing Authority who were not in the Classified Service prior to the passage of this Act, may in the Personnel Board's discretion, be blanketed in the Classified Service and continue to hold the same position, which they, respectively, held when such positions became subject to this Act. The Board shall also have the authority, functions, and duties as in other sections of this Act provided."

Section 2. This Act shall become effective immediately

upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 29, 1965.

Time: 10:36 A. M.

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Act No. 37

H. 106—Jones (Monroe)

### AN ACT

To authorize, provide for the licensing of, and to regulate the operation of, and hunting on privately owned hunting preserves, stocked by artificially propagated upland birds in all counties having populations of not less than 22,350 nor more than 24,000 according to the 1960 or any subsequent federal decennial census; to prescribe the fees for such licenses, provide for their collection and distribution; and to prescribe penalties for violation of this Act.

#### *Be It Enacted by the Legislature of Alabama:*

Section 1. This Act shall apply only in counties having populations of not less than 22,350 nor more than 24,000 according to the 1960 or any subsequent federal decennial census.

Section 2. Any person, firm, or corporation desiring to operate a hunting or shooting preserve in any county to which this Act applies on which artificially propagated birds may be hunted, taken, captured, killed, or otherwise recovered, may do so upon obtaining a hunting preserve license and complying with the provisions of this Act and all rules and regulations prescribed by the director of conservation governing the operation of hunting preserves.

Section 3. Each hunting preserve shall contain a minimum of 100 acres in one tract of leased or owned land, including water area, if any, and shall be restricted to not more than 1,000 contiguous acres including water, if any. The exterior boundaries of each hunting preserve shall be bordered by a single strand of wire or such fence as is acceptable to the state director of conservation, except where rivers, creeks, roads, or other clearly defined demarcations or delineations, acceptable to the director of conservation, form the boundary or a part thereof. Signs shall be erected at intervals of not less than 150 feet around the perimeter of the tract. At the top of each sign shall appear in letters not less than 2 inches high the words, "LICENSED HUNTING PRESERVE", and such other words as the director of conservation may prescribe. No hunting preserve shall be located within one mile of any other such preserve or within one mile of any management area or refuge existing under state or federal law or regulations at the time of the establishment of

such hunting preserve. No license shall be issued for any hunting preserve on which the shooting of turkeys is authorized.

Section 4. Game which may be hunted on a preserve licensed under this Act shall be artificially propagated bob-white quail, coturnix quail, pheasants, chuckar partridge, and such other species of fowl as the director of conservation shall designate. A minimum stock of at least 1,000 bob-white quail, if bob-white quail are to be hunted on the preserve, and a minimum stock of 200 of each of the other species of birds, listed above, to be hunted on a licensed preserve shall be released on the licensed hunting area during each hunting season.

Section 5. The privilege license or permit fee for operating a hunting preserve shall be \$25 per year for the first 100 acres of hunting preserve area plus \$5 per year for each additional 100 acres or part thereof. Any person who desires to operate such a hunting preserve shall first file a request with a local state game warden, or with the state department of conservation, to have the tract which he proposes to use as a hunting preserve inspected, and if it meets the requirements of this Act and the rules and regulations of the Department of Conservation he shall have a permit issued to him to procure a license to operate such hunting preserve. Upon presentation to the judge of probate of the county in which the preserve is located of a permit from the department of conservation, dated not more than thirty (30) days prior to its presentation, accompanied by the proper license fee prescribed in this section and an issuance fee of fifty cents, the judge of probate of any county to which this Act applies shall issue a privilege license to operate a hunting preserve to the applicant. Privilege licenses to operate hunting preserves shall be issued on forms prescribed by the director of conservation and furnished by him to the judges of probate. All fees collected by the judges of probate for issuing hunting preserve licenses shall be remitted at the same time and in the same manner that hunting and fishing license fees are remitted and shall be paid into the game and fish fund of the state department of conservation.

Section 6. The holder of a license issued pursuant to this Act, his guest, and patrons may hunt, take, capture, kill, or otherwise recover during the year no more than 80 per cent of the total number of each species of birds released on the preserve during such year. The season during which each species of birds may be hunted, taken, captured, killed, or otherwise recovered on such preserve and the bag limits shall be prescribed by the state director of conservation; but in no event shall the season be longer than six months, nor shall it begin before October 1, nor extend later than March 31 of any year.

Section 7. Bob-white quail and coturnix quail shall be tagged with self-sealing tag prior to being released on the preserve. The operators of hunting preserves shall cooperate in other requests which the director of conservation might make for scientific investigations. The Alabama Department of Conservation shall specify tags which hunting preserve operators shall use, the tags to be numbered consecutively, dated by year of issuance, and carry the operator's license number.

Section 8. Each hunting preserve operator shall maintain a register and record therein the names, addresses, hunting license numbers, the date on which each hunted, and the amount and species of game taken by each hunter. An accurate record by species shall also be maintained of the total number of birds raised on the preserve or purchased, and the number of each species released thereon each year. These records shall be open to inspection by any duly authorized representative of the state department of conservation at any reasonable time, and shall be the basis upon which the bag limits and hunting seasons in section 6 hereof shall be determined.

Section 9. Alabama hunting licenses shall be required of all persons hunting on licensed hunting preserves. Alabama residents shall be licensed under the regularly established game laws. Each non-resident hunting on a licensed preserve shall be required to possess a regular non-resident annual hunting license or a non-resident trip hunting license.

Section 10. Duly authorized agents of the state department of conservation, game wardens, and other law enforcement officers duly authorized to enforce game and fish laws shall have authority to enforce all game and fish laws and regulations on such preserves; and for such purposes are authorized to enter and inspect licensed hunting preserves. Violations of game and fish laws and regulations on such hunting preserves either by the owner, guests, or patrons of such preserves shall be grounds for revocation of the hunting preserve license; and the director of conservation may immediately revoke a hunting preserve license upon proof that any such violations have occurred thereon.

Section 11. Any person, firm, or corporation who operates a licensed hunting preserve in violation of any provision of this Act or a duly promulgated rule of the director of conservation relative to the operation thereof shall be guilty of a misdemeanor; and upon conviction shall be punished by a fine of not less than \$50 nor more than \$500 and at the

discretion of the court may also be imprisoned for a period of not more than six months for each offense.

Section 12. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 13. All laws or parts of laws which conflict with this Act are repealed.

Section 14. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 29, 1965.

Time: 10:37 A. M.

Act No. 38

H. 107—Slate, Brewer

### AN ACT

Relating to counties having populations of not less than 57,000 nor more than 61,000; authorizing the county governing bodies of such counties to reimburse the tax collectors of such counties for certain losses incurred in the routine operation of their offices.

#### *Be It Enacted by the Legislature of Alabama:*

Section 1. The boards of revenue, courts of county commissioners or other like governing bodies of all counties having populations of not less than 57,000 nor more than 61,000 according to the most recent federal decennial census, may, in their discretion, appropriate county funds for the purpose or reimbursing the tax collector for such sums as are charged to him on an official audit of his office because of minor clerical errors whenever in the opinion of such governing bodies such errors were inadvertently made, the tax collector had exercised reasonable care to avoid them and there is no evidence that the tax collector or any of his assistants wilfully, deliberately or fraudulently converted such funds to his or their own use or made such errors for personal gain.

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 29, 1965.

Time: 10:38 A. M.

Act No. 39

H. 110—Camp, Turner (Crenshaw)

### AN ACT

To amend Section 565 of Title 51 of the Code of Alabama as Recompiled, 1958; to provide that a portion of the license fee required of chiropractors by Section 565 of Title 51 of the Code of Alabama be paid to the State Board of Chiropractic Examiners.

*Be It Enacted by the Legislature of Alabama:*

Section 1. Section 565 of Title 51 of the Code of Alabama as Recompiled, 1958, is hereby amended to read as follows:

"Section 565. Each osteopath or chiropractor practicing his profession shall pay an annual license of twenty dollars to the state, but no license shall be paid to the county. If such business is conducted as a firm, or corporation in which more than one person is engaged, each osteopath, or chiropractor so engaged shall pay a license of twenty dollars, provided further that no osteopath or chiropractor shall be required to pay a license until after he has practiced his profession for two years.

Of the license fee prescribed herein for chiropractors, but not for osteopaths, one-fourth of the amount collected shall be paid into the state general fund and three-fourths of the amount collected shall be paid into the state treasury to the credit of the State Board of Chiropractic Examiners. That portion paid in to the credit of the State Board of Chiropractic Examiners shall be used by the Board for the purposes stipulated in Section 5 of Act No. 108 of the 1959 Regular Session of the Legislature."

Section 2. All laws and parts of laws in conflict with the provisions of this Act are hereby repealed.

Section 3. This Act shall become effective upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved October 29, 1965.

Time: 10:39 A. M.



Act No. 40

H. 114—Stembridge

## AN ACT

Relating to City of Dothan, Houston County; to provide for the relief of City Employee Harry L. O'Neal, pursuant to Resolution No. 3176 of said City and the concurrence of its Pension Board by allowing credit for prior employment towards retirement.

*Be It Enacted by the Legislature of Alabama:*

Section 1: That pursuant to petition of the Board of Commissioners of the City of Dothan and concurrence of the Pension Board of the Retirement System of said City, City Employee Harry L. O'Neal is hereby credited with the additional period of August 7, 1936, to October 1, 1937, one year, one month, and twenty-three days, for retirement purposes.

Section 2: This Act shall become effective immediately upon its passage and approval by the Governor, or its otherwise becoming a law.

Approved October 29, 1965.

Time: 10:40 A. M.

Act No. 41

H. 127—Fite

## AN ACT

To make a conditional appropriation from the Alabama Special Educational Trust Fund for the operation of the State Junior Colleges.

*Be It Enacted by the Legislature of Alabama:*

Section 1. There is hereby appropriated from the Alabama Special Educational Trust Fund to the State Board of Education — Junior College Equalization Account to be distributed as provided by law, for the operation of the Junior Colleges in the State of Alabama for each of the fiscal years ending September 30, 1966 and September 30, 1967, the sum of \$800,000.00. The above appropriation shall be conditional upon the condition of the Alabama Special Educational Trust Fund and with the approval of the Governor.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved October 29, 1965.

Time: 10:41 A. M.

Act No. 42

H. 128—Drake

## AN ACT

Relating to counties having populations of not less than 42,000, nor more than 46,000; providing clerk-hire allowances for certain county officer in such counties.

*Be It Enacted by the Legislature of Alabama:*

Section 1. In all counties having populations of not less than 42,000 nor more than 46,000, according to the most recent federal decennial census, the circuit clerk shall be entitled to an allowance for expenses of clerk-hire in the amount of \$1,200 per annum, which allowance shall be paid to such officer from the general funds of the county in equal monthly installments at the end of each month.

Section 2. This Act is cumulative.

Section 3. This Act shall take effect on the first of the month next following the date of its enactment.

Approved October 29, 1965.

Time: 10:42 A. M.

Act No. 43

H. 129—Holladay

## AN ACT

To alter, rearrange and extend the boundaries and corporate limits of the city of Pell City, St. Clair County, Alabama, so as to annex certain territory to the city.

*Be It Enacted by the Legislature of Alabama:*

Section 1. The boundaries and corporate limits of the city of Pell City, St. Clair County, Alabama, are hereby altered, rearranged and extended so as to include within the corporate limits of the city the following described territory in addition to the area now embraced within such boundaries and corporate limits, to-wit:

All that part of the Northeast quarter of the Northwest quarter of Section 36, Township 16, Range 3 East, lying South of the right-of-way line of Interstate Highway Number 20 and West of the right-of-way line of U. S. Highway 231, St. Clair County, Alabama.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 29, 1965.

Time: 10:43 A. M.

Act No. 44

H. 130—Drake

## AN ACT

To fix the supplemental salary of the official court reporter of the Thirty-Second Judicial Circuit and to provide payment thereof from the county funds of Cullman County.

*Be It Enacted by the Legislature of Alabama:*

Section 1. The county commission or other governing body of Cullman County is hereby authorized, empowered, and directed to pay the official court reporter of the Thirty-Second Judicial Circuit a supplemental salary of \$1,200.00 per annum, payable in equal monthly installments out of the general funds of Cullman County. Such salary shall be in addition to the salary provided by Act No. 518, H. 283, Regular Session 1963 (Acts 1963, v. II, p. 1106).

Section 2. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved October 29, 1965.

Time: 10:44 A. M.

Act No. 45

H.J.R. 7—Nabors

## HOUSE JOINT RESOLUTION

WHEREAS, during his terms of service as State Superintendent of Education, Dr. Austin R. Meadows, has worked with diligence and unswerving loyalty to further the cause of education in Alabama, and has contributed greatly to the development of the schools in the State; now therefore

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF ALABAMA THE SENATE CONCURRING, That the library building to be constructed at the Gadsden Technical Junior College at Gadsden in Etowah County shall be named and designated the "Austin R. Meadows Library," and appropriate markers or signs shall be placed so designating the building upon its completion.

BE IT FURTHER RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF ALABAMA, THE SENATE CONCURRING, That one of the buildings not heretofore named or designated by resolution at the Gadsden Technical Junior College at Gadsden in Etowah County

shall be named and designated the "Robert E. Lee Hall" by the State Board of Education.

Approved October 29, 1965.

Time: 10:44 A. M.

Act No. 46

H.J.R. 12—Baker (Madison), Pennington,  
Reynolds

### HOUSE JOINT RESOLUTION

WHEREAS Mr. William M. Fowler of Huntsville passed away recently after a life of dedication and outstanding service to his fellow man; and

WHEREAS Mr. Fowler was for many years a member of the Huntsville-Madison County Chamber of Commerce, serving as president and in various other offices of the organization. In addition, he was a motivating force in the organization of the Associated Tennessee Valley Chambers of Commerce and served with distinction as first president; and

WHEREAS Mr. Fowler's integrity, his quickness of thought, and his kindness of heart endeared him to many as a friend, a merchant, and an outstanding citizen of his community, and his presence will be sorely missed by all who knew him; now therefore

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF ALABAMA, THE SENATE CONCURRING, That we mourn the death of Mr. Fowler, and we extend our sincere and heartfelt sympathy to the surviving members of his family, to whom a copy of this Resolution shall be sent.

Approved October 29, 1965.

Time: 10:45 A. M.

Act No. 47

H. J. R. 13—Collins (Mobile)

### HOUSE JOINT RESOLUTION

WHEREAS, the Alabama Regional Export Expansion Council has carefully arranged an Export, Trade and Industrial Development Mission to Central America, South America and certain Countries of the West Indies, said Mission to consist of 15 business and industrial leaders of Alabama who are giving of their time and effort for this most important promotion for the State of Alabama, and

WHEREAS, it is deemed desirable that the State of Alabama and this legislative body be officially represented,

NOW THEREFORE, be it resolved by the House of Representatives, the Senate Concurring, that the Alabama Regional Export Expansion Council be commended for its fine work developing an overseas market for the business and industry for this State and that this Body does name Representative Robert S. Edington of Mobile as its representative on this Mission at no expense to the Legislature, and that the said Representative Robert S. Edington be hereby directed to report to this body at its next session the results and accomplishments of this Export, Trade and Industrial Development Mission.

Approved October 29, 1965.

Time: 10:46 A. M.

Act No. 48

H.J.R. 20—Brewer, Bailes, Barnett, Bassett, Bethea (B), Boston, Bowers, Brown (Tuscaloosa), Cantrell, Carr, Collins (Mobile), Cook, Cornett, Crawford, Daniel, Doggett, Edwards (Escambia), Edwards (Lowndes), Engel, Fite, Gilmore, Glass, Goodwyn, Hannah, Heflin, Hogan, Ingram, Jones (Covington), Jones (Monroe), Little, McCorquodale, McDermott, Merrill, Moore, Nettles, Owen, Pierce, Rast, Rogers, Salter, Scurlock, Sessions, Slate, Smith, Stembbridge, Sullivan, Thomas, Tuck, Turner (Crenshaw), Turner (Limestone), Vacca

#### HOUSE JOINT RESOLUTION

WHEREAS in the press and stress of life, events and issues are apt to crowd across the scene in such rapid succession as to leave too little time for wit and humor and their marvelous ability to keep matters in perspective while providing pleasant moments of relief from things momentous or hum-drum; and

WHEREAS it has been said that one measure of a man is his ability to laugh at himself, and to allow others to laugh with him; and

WHEREAS the Alabama Professional Chapter of Sigma Delta Chi, national professional journalism society, has compiled a delightfully imaginative and entertaining booklet entitled "Do You Have An Appointment?", which deals in a light and humorous vein with Alabama personalities, issues, and events; and

WHEREAS the profits from the sale of the booklet will go into the chapter's Alabama Journalism Scholarship Fund for the benefit of young Alabamians who are students of journalism. Thus the booklet will not only provide pleasant entertainment to thousands, but also beneficial assistance to dozens of young Alabamians aspiring to a career in the field of journalism; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we congratulate the Alabama Professional Chapter, Sigma Delta Chi, upon their excellent little publication, and commend their very worthwhile scholarship program.

Approved October 29, 1965.

Time: 10:47 A. M.

Act No. 49

H.J.R. 22—Callahan, Brown (Tuscaloosa),  
Campbell (Tuscaloosa)

#### HOUSE JOINT RESOLUTION

WHEREAS Mr. E. N. Sherer of Tuscaloosa passed away on Friday, October 1, 1965; and

WHEREAS Mr. Sherer, a veteran employee of the State Highway Department, whose forty-one years of faithful and able service have contributed much to the development of this State's highway system, was active in Boy Scout work in Tuscaloosa and received a number of awards for his outstanding work in that field. A member of the First Methodist Church in Tuscaloosa and of the American Road Builders Association, he enriched the lives of those around him by his fine example of dedication to the high ideals and values which give fullness and meaning to life; now therefore

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF ALABAMA, THE SENATE CONCURRING, That we note with deep and profound sorrow the death of Mr. Sherer, and we extend our sincere sympathy to the surviving members of his family.

Approved October 29, 1965.

Time: 10:48 A. M.

Act No. 50

H.J.R. 23—Crawford, Stembridge, Cook, Bailes, Barnett, Bassett, Bethea (B), Blanton, Boston, Bowers, Branyon, Brewer, Brown (Jefferson), Brown (Tuscaloosa), Cantrell, Carr, Cates, Collins (Mobile), Cook, Cooper, Crawford, Daniel, Doggett, Downing, Edwards (Escambia), Edwards (Lowndes), Engel, Fite, Gilmore, Glass, Goodwyn, Grouby, Hankins, Hannah, Harper, Hogan, Ingram, Jones (Covington), Jones (Monroe), Locke, McCorquodale, McDermott, Meade, Merrill, Moore, NeSmith, Nettles, Owen, Owens, Paulk, Powell, Rast, Salter, Scurlock, Smith, Stemridge, Sullivan, Teel, Turner (Crenshaw), Vacca

#### HOUSE JOINT RESOLUTION

WHEREAS Mr. Phillip J. Hamm has worked with great dedication and untiring effort in furthering the cause of education in the State of Alabama during his two terms of outstanding service as Commissioner of Revenue and his six-year tenure as Director of the George C. Wallace Technical School; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the library building at the State Junior College at Napier Field, Alabama, shall be designated and known as "The Phillip J. Hamm Library", and that appropriate markers shall be fixed so designating the building, in honor and recognition of the able and distinguished Mr. Hamm.

Approved October 29, 1965.

Time: 10:49 A. M.

Act No. 51

H.J.R. 29—Brewer, Hain, NeSmith, Fite

#### HOUSE JOINT RESOLUTION

WHEREAS, the Legislature has learned with deep regret of the untimely death of Honorable LeRoy McEntire Jr. on October 9, 1965; and

WHEREAS, Mr. McEntire was a distinguished Decatur

Attorney, Judge of the Recorder's Court of the City of Decatur, an active member of the First Methodist Church of Decatur, President of the Decatur Lions Club, former Commander of Morgan County American Legion Post #15, a Director of the Decatur Country Club, and a past President of the Morgan County United Fund, educated at the University of Alabama where he was a member of the Farrah Order of Jurisprudence and Delta Kappa Epsilon Fraternity; and in 1949 was selected Decatur's "Outstanding Young Man of the Year" by the Decatur Junior Chamber of Commerce; and

WHEREAS, he served his country honorably and with distinction in World War II in combat in Africa, Sicily, Italy and in China, and in the Korean Conflict in Washington, D. C.; and

WHEREAS, Mr. McEntire is a member of a distinguished Alabama family being a nephew of Honorable George C. Almon, a member of the Senate of Alabama from Franklin County from 1886 through 1889; a nephew of Honorable Edward B. Almon, a member of the Senate of Alabama from Colbert County from 1892 through 1894, and Representative from Colbert County in the State Legislature in 1911 and in 1911 Speaker of the House of Representatives; the grandson of David C. Almon, a member of the House of Representatives from Lawrence County from 1900 through 1910, and a member of the Constitutional Convention of 1901; a nephew of Charles P. Almon, a member of the House of Representatives from Marion County in 1903; and a nephew of Judge T. C. Almon, a member of the House of Representatives from 1935 through 1938; the son of Mr. and Mrs. LeRoy McEntire Sr. of Decatur, married to the former Louise Partlow, daughter of Dr. Rufus Partlow of Tuscaloosa; and

WHEREAS, Mr. McEntire was a successful, diligent, faithful and capable attorney, and one who had the admiration and respect of his fellow members of the bar for his ability as a student of the law and as a dedicated advocate of his client's cause, and who was devoted to his family and faithful to his God; and

WHEREAS, his life was an example to all of service to his fellow man, of devotion to his family and of dedication to his profession;

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That the Legislature of Alabama does deeply mourn the untimely death of Honorable LeRoy McEntire Jr. and does express to his family our sincere sympathy at his loss.



BE IT FURTHER RESOLVED that a copy of this Resolution be forwarded to his widow, his parents, and his children.

Approved October 29, 1965.

Time: 10:50 A. M.

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Act No. 52

H. 84—Campbell (Tuscaloosa)

### AN ACT

To fix the compensation of the sheriffs of all counties having populations of not less than one hundred thousand (100,000) nor more than one hundred fifteen thousand (115,000) inhabitants, according to the last or any subsequent Federal decennial census.

*Be It Enacted by the Legislature of Alabama:*

Section 1. The compensation of the sheriff of any county of this state having a population of not less than one hundred thousand (100,000) nor more than one hundred fifteen thousand (115,000) inhabitants, according to the last or any subsequent Federal decennial census, shall be an annual salary of Eleven Thousand Dollars (\$11,000.00), which shall be payable out of the general fund of the county, and shall be in lieu of all fees, commissions, percentages, or allowances provided for or prescribed by general, special, or local laws. Provided, however, that this section shall not affect nor diminish the allowance provided by the county for the salaries of deputies, clerks, and other assistants to the sheriff.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall take effect at the expiration of the term of the incumbent sheriff of the county or counties to which it applies.

Approved October 29, 1965.

Time: 10:29 A. M.

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Act No. 53

H. 35—Locke

### AN ACT

To amend Section 553, Title 52, of the Code of Alabama, 1940, regarding the physical examination of school children.

*Be It Enacted by the Legislature of Alabama:*

Section 1. Section 553 of Title 52 of the 1940 Code is hereby amended to read as follows:

"Section 1. The Department of Education and the State Board of Health shall in conjunction arrange for the examination of each and every child attending the public schools of this state, both male and female, for any physical defects of any kind, embracing mental deficiency, diseases of the ear, eye, nose and throat, mouth and teeth, any deformity or dislocation of the hip joints or spinal disease, phymosis, hookworm disease, and any and all other communicable or contagious diseases where either the County Board of Education or a City Board of Education or the State Department of Education has cause to believe that such child has a communicable or contagious disease, and any disease requiring medical or surgical aid in developing the child into a strong and healthy individual. The several county boards of education and county boards of health shall co-operate fully with the state board of education and the state board of health in the promotion of this work. The county superintendent of education shall arrange with the county health officer a schedule of dates for this examination of the children in the public schools under his supervision and the city superintendent of schools shall make like schedule for the schools under his supervision.

The county or city board of education, upon receipt of a report from the medical officer, may suspend said child from attendance of any public school if said medical examiner is of the opinion that said communicable or contagious disease or any other disease will endanger the health of the child attending said school.

The ruling of said city or county board is subject to review before the state board and a three-man panel of medical examiners appointed by said board.

Said child may be suspended for so long as said contagious or communicable disease or diseases enumerated above exists, or endangers the pupils attending said school, within the discretion of the examining authorities and boards before mentioned.

Approved November 1, 1965.

Time 9:10 P. M.

LEGAL & CONTRACT INTEREST RATES, BY STATES,  
JANUARY 1, 1965

	Legal Rates	Contract Rates
	1965	1965
Alabama .....	6%	8%
Alaska .....	6	8
Arizona .....	6	8(2)
Arkansas .....	6	10
California .....	7	10
Colorado .....	6	No limit
Connecticut .....	6	12
Delaware .....	6	6
Dist. of Col. ....	6	8
Florida .....	6	10(1)
Georgia .....	7	8
Hawaii .....	6	12
Idaho .....	6	8
Illinois .....	5	7
Indiana .....	6	8
Iowa .....	5	7
Kansas .....	6	10
Kentucky .....	6	6
Louisiana .....	5	8
Maine .....	6	No limit
Maryland .....	6	6
Massachusetts .....	6	No limit
Michigan .....	5	7
Minnesota .....	6	8
Mississippi .....	6	8
Missouri .....	6	8
Montana .....	6	10
Nebraska .....	6	9
Nevada .....	7	12
New Hampshire .....	6	No limit
New Jersey .....	6	6
New Mexico .....	6	10(2)
New York .....	6	6
North Carolina .....	6	6
North Dakota .....	4	7
Ohio .....	6	8
Oklahoma .....	6	10
Oregon .....	6	10(3)
Pennsylvania .....	6	6
Rhode Island .....	6	30
South Carolina .....	6	7
South Dakota .....	6	8
Tennessee .....	6	6
Texas .....	6	10
Utah .....	6	10

LEGAL & CONTRACT INTEREST RATES, BY STATES,  
JANUARY 1, 1965—Continued

	Legal Rates	Contract Rates
	1965	1965
Vermont .....	6%	6%
Virginia .....	6	6
Washington .....	6	12
West Virginia .....	6	6
Wisconsin .....	5	12
Wyoming .....	7	10
(1) 15% for corporations		
(2) 12% if loans unsecured		
(3) 12% for corporations		

This table summarizes only the broad, general provisions of state laws setting maximum legal and contract rates of interest, and it does not summarize rates fixed for special types of loans, such as instalment loans and loans under the small loan laws.

The parties to a transaction may agree on a specific rate of interest. The maximum rate that may be agreed upon is usually fixed by law. This is the "contract rate."

If a specific rate is not agreed upon, then the maximum rate that may be taken is the "legal rate," fixed by law in all states.

Interest in excess of the rate permitted by law is usurious. All states provide penalties for taking such interest.

Many state statutes provide that the defense of usury is not available to a corporation.

For a more detailed explanation of legal and contract rates of interest and of state and federal usury laws, see **Paton's Digest of Legal Opinions, Interest and Usury**, particularly sections 2:1, 2:2, 21 and 22.

Source: Data prepared by Legal Department, American Bankers Association.

# OFFICIALS OF THE STATE OF ALABAMA

George C. Wallace, *Governor*

## *Lieutenant Governor*

James B. Allen .....Gadsden

## *Attorney General*

Richmond M. Flowers ..... State Adm. Bldg.

## *State Auditor*

Bettye Frink .....State Capitol

## *Secretary of State*

Mrs. Agnes Baggett .....State Capitol

## *State Treasurer*

Mary Texas Hurt Garner .....State Capitol

## *Superintendent of Education*

Austin R. Meadows .....State Office Bldg.

## *Commissioner of Agriculture and Industries*

A. W. Todd .....State Office Bldg.

## *Adjustment, State Board of*

Mrs. Agnes Baggett, Secretary of State .....State Capitol

Bettye Frink, State Auditor .....State Capitol

Mary Texas Hurt Garner, State Treasurer .....State Capitol

Seymore Trammell, Director of Finance .....State Capitol

## *Adjutant General*

Alfred C. Harrison .....State Adm. Building

## *Agriculture and Industries, State Department of*

A. W. Todd, Commissioner ..... State Office Bldg.

## *Agricultural Center Board*

Aubrey H. Fleming, Manager ..... Coliseum, Federal Drive

## *Aeronautics, Alabama Department of*

Asa Rountree, Jr., Director .....Montgomery

## *Alabama Public Schools Corporation*

Austin R. Meadows, Supt. of Education .....State Office Bldg.

## *Alcoholic Beverage Control Board, Alabama*

James E. Caldwell, Administrator .....State Adm. Bldg.

## *Architects, State Board for Registration of*

John M. Morton, Secretary .....Montgomery

## *Archives and History, Department of*

Peter A. Brannon, Director .....Archives Building

# **OFFICIALS OF THE STATE OF ALABAMA—Continued**

<i>Armory Commission, State</i>	
Alfred C. Harrison, Secretary .....	State Adm. Bldg.
<i>Alcoholism, Commission on Education with Respect to</i>	
Lee Allen Ford, Acting Administrator .....	Montgomery
<i>Athletic Association, Alabama</i>	
Cliff Harper, Ex. Secretary .....	State Office Bldg.
<i>Bar, Board of Commissioners of State</i>	
John B. Scott .....	Alabama Bar Bldg., Montgomery
<i>Banking, State Department of</i>	
Robert M. Clecker, Superintendent of Banks .....	Montgomery
<i>Board of Examiners in the Basic Sciences, State</i>	
Dr. E. C. Sensenig, Chairman .....	Birmingham
<i>Boxing and Wrestling Commission</i>	
Lawson Lynn, Secretary .....	Montgomery
<i>Budget Officer</i>	
James V. Jordan .....	State Capitol
<i>Building Commission, State</i>	
Hugh Adams, Director .....	State Office Bldg.
<i>Building Authority, Alabama</i>	
Finnis Boutwell, Custodian .....	State Adm. Bldg.
<i>Building Corporation, Alabama</i>	
Custodian .....	State Office Bldg.
<i>Building Finance Authority, Alabama</i>	
Murray L. Kamplain, Custodian .....	Highway Building
<i>Chemist, State</i>	
Dr. C. R. Saunders .....	Auburn
<i>Chiropractic Examiners, State Board of</i>	
Dr. R. R. Williamson, Sec.-Treas. ....	Roanoke
<i>Civil Defense Agency</i>	
J. F. Manderson, Director .....	State Adm. Bldg.
<i>Coliseum, State</i>	
A. H. Fleming, Manager .....	Federal Drive
<i>Comptroller, State</i>	
John Graves .....	State Capitol
<i>Conservation Department</i>	
Claude D. Kelley, Director .....	State Adm. Bldg.

# **OFFICIALS OF THE STATE OF ALABAMA—Continued**

## *Contractors, State Licensing Board for General*

Mrs. Elizabeth B. Pitts, Ex. Secretary .....State Adm. Bldg.

## *Corrections, Board of*

A. Frank Lee, Commissioner .....Kilby Prison

## *Cosmetology State Board of*

Mrs. Billie K. Jehle, Ex. Secretary .....Montgomery

## *Dental Examiners, Board of*

Dr. Walter L. Smith, Jr. ....Gadsden

## *Dead Bodies, Board For Distribution and Delivery of*

Dr. E. C. Sensenig, Secretary .....Birmingham

## *Docks Department, State*

Houston H. Feaster, Director .....Mobile

## *Education, State Department of*

Austin R. Meadows, Superintendent .....State Office Bldg.

## *Embalming, State Board of*

James C. Isom, Secretary, .....Sylacauga

## *Engineers and Land Surveyors, State Board of*

### *Registration for Professional*

Sarah Hines, Acting Ex. Secretary .....State Adm. Bldg.

## *Employees' Retirement System of Alabama*

Raymond Fowler, Secretary-Treasurer .....State Adm. Bldg.

## *Entomologists, Horticulturists, Floriculturists*

### *and Tree Surgeons, Board to Examine*

W. A. Ruffin, Secretary .....State Office Building

## *Examiners of Public Accounts, Department of*

Ralph P. Eagerton, Chief Examiner .....State Capitol

## *Executive Department, Governor's Office*

George C. Wallace, Governor .....State Capitol

Cecil C. Jackson, Jr., Executive Secretary .....State Capitol

Mabel Amos, Recording Secretary .....State Capitol

Hugh Maddox, Legal Advisor .....State Capitol

Ed Ewing, Press Secretary .....State Capitol

Kate Simmons, Administrative Assistant .....State Capitol

## *Finance Department*

Seymore Trammell, Director .....State Capitol

## *Fire Marshal, State*

J. V. Kitchens .....State Adm. Bldg.

## OFFICIALS OF THE STATE OF ALABAMA—Continued

<i>Foresters, State Board of Registration for</i>	
J. M. Stauffer, Secretary .....	State Adm. Bldg.
<i>Geological Survey of Alabama</i>	
Philip E. LaMoreaux, State Geologist .....	University
<i>Health Department, State</i>	
Dr. Ira L. Myers, State Health Officer .....	State Office Bldg.
<i>Highway Department, State</i>	
Herman L. Nelson, Director .....	Highway Bldg.
<i>Highway Patrol (See Public Safety)</i>	
<i>Industrial Relations, Department of</i>	
Rex Roach, Director .....	State Office Bldg.
<i>Insane Hospitals, Alabama</i>	
Dr. J. S. Tarwater, Superintendent .....	Tuscaloosa
<i>Insurance, State Department of</i>	
Walter S. Houseal, Superintendent .....	State Adm. Bldg.
<i>Labor, Department of</i>	
Arlis R. Fant, Director .....	Montgomery
<i>Legislative Commission to Preserve the Peace, Alabama</i>	
Edwin Strickland, Staff Director .....	Montgomery
<i>Legislative Reference Service</i>	
Charles M. Cooper, Director .....	State Capitol
<i>Licensing Board for the Healing Arts, State</i>	
Douglas O. Benton, Executive Officer .....	State Capitol
<i>Liquified Petroleum Gas Commission, Alabama</i>	
Phillip R. Bonner, Secretary .....	State Office Bldg.
<i>Medical Examiners, State Board of</i>	
Dr. Ira L. Myers, Secretary .....	State Office Bldg.
<i>Medical Technicians Examiners, Board of</i>	
Mrs. Ruby J. Atkins .....	State Office Bldg.
<i>Mental Deficients, Partlow State School for</i>	
Dr. J. S. Tarwater, Superintendent .....	Tuscaloosa
<i>Military Department</i>	
Alfred C. Harrison, Adjutant General .....	State Adm. Bldg.
<i>Mine Examiners, Board of</i>	
H. T. Williams .....	Birmingham



# OFFICIALS OF THE STATE OF ALABAMA—Continued

## Milk Control Board, Alabama State

James G. McLean, Executive Secretary .....Montgomery

## Nurses' Examiners and Registration, Board of

Miss Dorothy Foley .....State Adm. Bldg.

## Optometry, State Board of

Dr. Willard Smith .....Eufaula

## Oil and Gas Board, State

Philip E. LaMoreaux, Supervisor .....University

## Pardons and Paroles, State

L. B. Stephens, Executive Director .....State Adm. Bldg.

## Pensions Commission

Miss Julia Allen .....State Capitol

## Pensions and Security, State Department of

Reuben K. King, Commissioner .....State Adm. Bldg.

## Personnel Department

J. S. Frazer, Director .....State Adm. Bldg.

## Pharmacy, State Board of

E. W. Gibbs, Secretary .....Birmingham

## Pilotage Commission, State

Capt. W. P. Adams .....Mobile

## Planning and Industrial Development Board, State

Charles Leonard Beard, Director .....Montgomery

## Public Accountancy, State Board

Sam Diamond, Secretary .....Montgomery

## Public Library Service, Alabama

Mrs. Elizabeth Beamguard, Director .....State Adm. Bldg.

## Public Safety, Department of

C. W. Russell, Director .....Montgomery

## Public Service Commission, Alabama

Eugene "Bull" Connor, President .....State Office Bldg.

## Publicity and Information, State Bureau of

George Edmund Ewing, Director .....State Capitol

## Purchasing Agent, State

Howard L. White, Jr. .....State Capitol

## Real Estate Commission

Mrs. Mary J. Thompson, Ex. Secretary .....Montgomery

## OFFICIALS OF THE STATE OF ALABAMA—Continued

<i>Revenue, Department of</i>	
Phillip J. Hamm, Commissioner .....	State Adm. Bldg.
<i>River Development Authority, Alabama</i>	
Charles Leonard Beard, Administrator .....	Montgomery
<i>Securities Commissioner, State</i>	
Richmond M. Flowers, Commissioner .....	State Adm. Bldg.
<i>Social Security, State Agency</i>	
Miss Edna M. Reeves, Director .....	State Capitol
<i>Soil Conservation Committee, State</i>	
Joe Traylor, Executive Secretary .....	State Office Bldg.
<i>Sovereignty Commission, State</i>	
Eli H. Howell, Executive Secretary .....	Montgomery
<i>Teachers' Retirement System, State</i>	
Raymond Fowler, Secretary-Treasurer .....	State Adm. Bldg.
<i>Television Commission, Alabama Educational</i>	
Raymond D. Hulbert, Manager .....	Birmingham
<i>Toxicologist, State</i>	
C. J. Rehling .....	Auburn
<i>Trooper, State (See Public Safety)</i>	
<i>Unemployment Compensation Division</i>	
See Department of Industrial Relations	
<i>Uniform State Laws, Commission On</i>	
Robert B. Harwood, Member .....	Judicial Bldg.
<i>Veterans Affairs, State Department of</i>	
W. C. Head, Jr., Director .....	State Office Bldg.
<i>Veterinary Medical Examining Board, Alabama</i>	
M. K. Heath, Secretary-Treasurer .....	Decatur
<i>Water Improvement Commission</i>	
Dr. Ira L. Myers, Chairman .....	State Office Bldg.
<i>White House Association, The</i>	
Mrs. Ruth Rowell, Regent .....	Montgomery

## JUDICIAL

<i>Supreme Court</i>	
J. Ed Livingston, Chief Justice .....	Judicial Bldg.
<i>Court of Appeals</i>	
Annie Lola Price, Presiding Judge .....	Judicial Bldg.

## OFFICIALS OF THE STATE OF ALABAMA—Continued

## STATE COLLEGES

<i>Alabama College</i>	
D. P. Culp, President .....	Montevallo
<i>Auburn University</i>	
President .....	Auburn
<i>University of Alabama</i>	
Frank A. Rose, President .....	University
<i>University of South Alabama</i>	
Fred P. Whiddon, President .....	Mobile

INSTITUTIONS UNDER CONTROL OF  
STATE BOARD OF EDUCATION

<i>Florence State College</i>	
E. B. Norton, President .....	Florence
<i>Jacksonville State College</i>	
Houston Cole, President .....	Jacksonville
<i>Livingston State College</i>	
John E. Deloney, President .....	Livingston
<i>Troy State College</i>	
Ralph W. Adams, President .....	Troy
<i>Alabama Agricultural and Mechanical College</i>	
R. D. Morrison, President .....	Normal
<i>Alabama State College</i>	
Levi Watkins, President .....	Montgomery

## STATE JUNIOR COLLEGES

<i>Northwest Alabama Junior College</i>	
James A. Glasgow, President .....	Phil Campbell
<i>Southern Union Junior College</i>	
Walter A. Graham, President .....	Wadley

## STATE TECHNICAL TRADE SCHOOLS

<i>Alabama School of Trades</i>	
E. L. Darden, Director .....	Gadsden
<i>Alabama Institute of Aviation Technology</i>	
Troy C. Tullis, Director .....	Ozark

## STATE TECHNICAL TRADE SCHOOL—Continued

<i>George C. Wallace</i>	
George H. Grimsley, Acting Director .....	Dothan
<i>John M. Paterson</i>	
J. O. McCollough, Director .....	Montgomery
<i>Mobile</i>	
Clay Knight, Director .....	Mobile
<i>Shelton</i>	
Harold I. James, Director .....	Tuscaloosa
<i>Tennessee Valley</i>	
Carlton W. Kelley, Director .....	Decatur
<i>Carver</i>	
A. L. Green, Director .....	Mobile
<i>Gadsden</i>	
Eugene N. Prater, Director .....	Gadsden
<i>Huntsville</i>	
S. C. O'neal, Director .....	Huntsville
<i>Wenonah</i>	
T. A. Lawson, Director .....	Birmingham

## STATE SPECIAL SCHOOLS

<i>Alabama Institute for Deaf and Blind</i>	
E. H. Gentry, President .....	Talladega
<i>Alabama Vocational School for Girls</i>	
Alma L. Bachman, Principal .....	Birmingham
<i>Partlow State School</i>	
R. C. Partlow, M.D., Asst. Superintendent .....	Tuscaloosa

## STATE CORRECTIVE SCHOOLS

<i>Alabama Boys' Industrial School</i>	
J. B. Hill, Superintendent .....	Birmingham
<i>State Training School for Girls</i>	
Mrs. Dorothy Weiss, Superintendent .....	Birmingham
<i>Alabama Industrial School for Children</i>	
E. B. Holloway, Superintendent .....	Mt. Meigs

The number of the central switchboard for all departments located in Montgomery is 265-2341

## ROSTER OF THE SENATE OF ALABAMA

## Regular Session 1965

James B. Allen, <i>Lieutenant Governor</i> .....	Gadsden
George Hawkins, <i>President Pro-Tem</i> .....	Gadsden
McDowell Lee, <i>Secretary</i> .....	Montgomery
Mrs. F. B. Ruffer, <i>Assistant Secretary</i> .....	Montgomery
First Senatorial District—Lauderdale and Limestone Counties.	
James E. (Ed) Horton, Jr. ....	Route 1, Madison
Second Senatorial District—Lawrence and Morgan Counties.	
Bob Gilchrist .....	P. O. Box 312, Decatur
Third Senatorial District—Cullman and Winston Counties.	
Harlan G. (Mutt) Allen .....	P. O. Box 28, Cullman
Fourth Senatorial District—Madison County.	
Roscoe O. Roberts, Jr. ....	P. O. Box 829, Huntsville
Fifth Senatorial District—Jackson and Marshall Counties.	
Clayton Carter .....	Box 306, Guntersville
Sixth Senatorial District—Etowah County.	
George Hawkins .....	930 Forrest Ave., Gadsden
Seventh Senatorial District—Calhoun County.	
A. C. Shelton .....	Jacksonville
Eighth Senatorial District—Talladega County.	
Bill Nichols .....	Box 354, Sylacauga
Ninth Senatorial District—Chambers and Randolph Counties.	
Julian Lowe .....	P. O. Box 592, Roanoke
Tenth Senatorial District—Elmore and Tallapoosa Counties.	
Ernest C. (Sonny) Hornsby .....	City Hall, Carrville
Eleventh Senatorial District—Tuscaloosa County.	
Wm. C. (Bill) McCain .....	705 First National Bldg., Tuscaloosa
Twelfth Senatorial District—Fayette and Walker Counties.	
Robert T. (Bob) Wilson .....	Box 1090, Jasper
Thirteenth Senatorial District—Jefferson County.	
Lawrence (Larry) Dumas .....	1414 Brown Marx Bldg., B'ham
Fourteenth Senatorial District—Lamar and Pickens Counties.	
B. G. (Gaillard) Robison, Jr. ....	Carrollton
Fifteenth Senatorial District—Autauga, Chilton and Shelby Counties.	
J. T. (Jimmy) McDow .....	Columbiana

# ROSTER OF THE SENATE OF ALABAMA—Continued

- Sixteenth Senatorial District—Monroe and Wilcox Counties.  
 Roland Cooper ..... Camden
- Seventeenth Senatorial District—Butler, Conecuh and Covington Counties.  
 H. B. Taylor ..... Box 278, Georgiana
- Eighteenth Senatorial District—Bibb and Perry Counties.  
 H. P. James ..... Brent
- Nineteenth Senatorial District—Choctaw, Clarke and Washington Counties.  
 Albert H. Evans, Jr. .... Butler
- Twentieth Senatorial District—Marengo and Sumter Counties.  
 E. O. Eddins ..... Demopolis
- Twenty-first Senatorial District—Baldwin and Escambia Counties.  
 L. W. Brannan, Jr. .... Foley
- Twenty-Second Senatorial District—Blount and St. Clair Counties.  
 L. D. Bentley, Jr. .... P. O. Box 481, Oneonta
- Twenty-third Senatorial District—Dale and Geneva Counties.  
 Neil Metcalf ..... P. O. Box 175, Geneva
- Twenty-fourth Senatorial District—Barbour and Pike Counties.  
 James S. (Jimmy) Clark ..... Eufaula
- Twenty-fifth Senatorial District—Coffee and Crenshaw Counties.  
 W. Ray Lolley ..... 107 Easy Street, Enterprise
- Twenty-sixth Senatorial District—Bullock and Macon Counties.  
 Ed Reynolds ..... Notasulga
- Twenty-seventh Senatorial District—Lee and Russell Counties.  
 Joseph W. Smith ..... Box 519, Phenix City
- Twenty-eighth Senatorial District—Montgomery County.  
 Vaughan Hill Robison ..... P. O. Box 901 or 36 So. Perry Street,  
 Montgomery
- Twenty-ninth Senatorial District—Cherokee and DeKalb Counties.  
 Kenneth Hammond ..... P. O. Box 92, Valley Head
- Thirtieth Senatorial District—Dallas and Lowndes Counties.  
 Walter C. Givhan ..... Safford
- Thirty-first Senatorial District—Colbert, Franklin and Marion Counties.  
 W. E. Oden ..... 402 High Street, N. W., Russellville

# **ROSTER OF THE SENATE OF ALABAMA—Continued**

Thirty-second Senatorial District—Greene and Hale Counties.

Charles A. Montgomery ..... West Greene

Thirty-third Senatorial District—Mobile County.

John M. Tyson ..... 704 Annex First National Bank Bldg., Mobile

Thirty-fourth Senatorial District—Clay, Cleburne and Coosa Counties.

Charles (Pete) Mathews ..... Ashland

Thirty-fifth Senatorial District—Henry and Houston Counties.

Charles H. (Charlie) Adams ..... Box 975, Dothan

# **ROSTER OF THE HOUSE OF REPRESENTATIVES OF ALABAMA**

**Regular Session 1965**

## **OFFICERS**

Albert P. Brewer, *Speaker* ..... Decatur

Rankin Fite, *Speaker Pro-Tem* ..... Hamilton

John W. Pemberton, *Clerk* ..... Montgomery

Richard C. Belser, *Reading Clerk* ..... Montgomery

## **MEMBERS OF THE HOUSE**

Autauga—E. A. (Bud) Grouby ..... Prattville

Baldwin—L. D. (Dick) Owen, Jr. ..... Bay Minette

Barbour—Sim A. Thomas ..... Eufaula

Bibb—Fred H. Davis ..... Brent

Blount—Carl D. NeSmith ..... Box 561, Oneonta

Bullock—James L. Paulk ..... Route 3, Box 198A, Union Springs

Butler—F. Lamont Glass ..... Greenville

Calhoun—Place No. 1—Woodrow Albea ..... Anniston

Place No. 2—Hugh D. Merrill ..... Box 1486, Anniston

Place No. 3—H. R. (Pat) Burnham ..... Box 1618,  
Anniston

Chambers—Charles Snell ..... Fairfax

Cherokee—Ralph A. Meade ..... Cedar Bluff

**ROSTER OF THE HOUSE OF REPRESENTATIVES OF ALABAMA**  
**—Continued**

Chilton—H. Grady Heflin .....	Box 1057, Clanton
Choctaw—Roswell Doggett .....	Butler
Clarke—Joe C. McCorquodale, Jr. ....	Box 535, Jackson
Clay—Kenneth F. Ingram .....	Ashland
Cleburne—John S. Casey .....	Box 266, Heflin
Coffee—Drexel Cook .....	Pinedale Drive, Elba
Colbert—Berry Lynchmore Cantrell .....	1820 Federal Drive, Montgomery
Conecuh—Wiley Salter .....	Evergreen
Coosa—Robert J. Teel .....	Rockford
Covington—Fletcher Jones .....	Box 928, Andalusia
Crenshaw—Alton Turner .....	Box 207, Luverne
Cullman—Tom Drake .....	Box 46, Cullman
Dale—Henry B. Steagall, II .....	35 South Court Square, Ozark
Dallas—Place No. 1—John H. Blanton, 114 Lauderdale Dr., Selma Place No. 2—B. V. Hain .....	Box 155, Selma
DeKalb—R. Excell Baker .....	Box 64, Crossville
Elmore—Freddie Powell .....	Box 1, Kent
Escambia—Malcolm Edwards .....	East Brewton
Etowah—Place No. 1—Ollie W. Nabors .....	Box 846, Gadsden
Place No. 2—Gary F. Burns .....	1000 Forrest Ave., Gadsden
Place No. 3—W. E. (Bill) Owens, Jr. ....	1243 Sangster Rd., Gadsden
Fayette—James A. (Jimmy) Branyon .....	Box 600, Fayette
Franklin—Walston Hester .....	Box 71, Russellville
Geneva—Roland R. Faulk .....	Samson
Greene—Edwin A. Tuck .....	105 Boligee St., Eutaw
Hale—Richard M. Avery .....	Greensboro
Henry—J. F. (Buddy) Crawford .....	Abbeville
Houston—R. J. (Bob) Stembridge .....	Box 712, Dothan



# ROSTER OF THE HOUSE OF REPRESENTATIVES OF ALABAMA —Continued

Jackson—Loy Campbell ..... Box 241, Scottsboro

## Jefferson—

George Lewis Bailes, Jr. .... 3813 Dunbarton Dr., Birmingham  
Barron Bethea ..... Box 2202, Birmingham  
Malcolm Bethea ..... 1606 Wellington Road, Homewood  
Quinton R. Bowers ..... 215 Frank Nelson Bldg., Birmingham  
Norman K. "Tiger" Brown ..... 950 Monterey Dr., Bessemer  
Donald L. Collins ..... 12th Floor, Bank For Savings Bldg., B'ham  
Richard Dominick ..... Frank Nelson Bldg., Birmingham  
Foster Buck Etheredge ..... 805 First National Bldg., Birmingham  
Eddie Hubert Gilmore ..... Box 546, Bessemer  
John H. Hawkins ..... 1841 Montclair Dr., Birmingham  
Hugh A. Locke, Jr. .... 952 Conroy Road, Birmingham  
J. Paul Meeks, Jr. .... 333 Bank For Savings Bldg., Birmingham  
Hugh Morrow, III ..... 214 Woodward Bldg., Birmingham  
Walter Emmett Perry, Jr. .... 903 Frank Nelson Bldg., B'ham  
Holt Rast ..... Box 1491, Birmingham  
Tram Sessions ..... Box 2612, Birmingham  
Paschal P. "Pat" Vacca ..... 727-728 Frank Nelson Bldg., B'ham

Lamar—Jack Hankins ..... Vernon

Lauderdale—Place No. 1—Chester Boston ..... P. O. Box 935,  
Florence

Place No. 2—W. C. (Buddy) Hannah ..... Box 220,  
Rogersville

Lawrence—Edsel F. Moore ..... Box 31, Moulton

Lee—Pete B. Turnham ..... 606 Moore Mill Road, Auburn

Limestone—Granville Turner ..... Route 2, Toney

Lowndes—William Edwards ..... Fort Deposit

Macon—Andrew J. Cooper ..... Box 457, Tuskegee

Madison—Place No. 1—N. L. (Luke) Reynolds ..... 2225 California  
St., Huntsville

Place No. 2—James W. Baker ..... 205 Uptown Bldg.,  
Huntsville

Place No. 3—Harry L. Pennington ..... 809 Shorey Dr.,  
S. W., Huntsville

Marengo—V. Buren Daniel ..... Nanafalia

Marion—Rankin Fite ..... Box 157, Hamilton

Marshall—Aubrey J. Carr ..... Guntersville

# **ROSTER OF THE HOUSE OF REPRESENTATIVES OF ALABAMA** **—Continued**

Mobile—Place No. 1—Wm. H. McDermott .....	Box 1374, Mobile
Place No. 2—Mylan R. Engel .....	Box 1045, Mobile
Place No. 3—C. M. A. Rogers, III .....	Box 1070, Mobile
Place No. 4—Clara Stone Collins .....	1950 Hunter Ave., Mobile
Place No. 5—Robert S. Edington .....	Box 388, Mobile
Place No. 6—Coy Smith .....	Citronelle
Place No. 7—Elwood L. Hogan .....	P. O. Box 1049, Mobile
Place No. 8—Maurice A. "Casey" Downing .....	318 Annex First National Bank Bldg., Mobile
Monroe—Ralph L. Jones .....	Monroeville
Montgomery—Place No. 1—Alfred W. Goldthwaite .....	P. O. Box 801, Montgomery
Place No. 2—O. J. (Joe) Goodwyn .....	325 Bell Bldg., Montgomery
Place No. 3—Tandy D. Little, Jr. ....	1829 Robison Hill Road, Montgomery
Place No. 4—J. J. (Junie) Pierce .....	2448 Carter Hill Road, Montgomery
Morgan—Place No. 1—Albert P. Brewer .....	Box 1487, Decatur
Place No. 2—Ralph E. Slate .....	Box 1344, Decatur
Perry—Roy A. Barnett .....	Marion
Pickens—Ulie B. Sullivan .....	Reform
Pike—L. Gardner Bassett .....	Troy
Randolph—Gus W. Young .....	Graham
Russell—Homer Cornett .....	Box 88, Phenix City
St. Clair—Edwin Holladay .....	Pell City
Shelby—John Lewis Cates .....	Columbiana
Sumter—Ira D. Pruitt .....	Livingston
Talladega—Place No. 1—Lyndol Bolton .....	Ogletree Bldg., Sylacauga
Place No. 2—Ashley L. Camp, Jr. ....	305 E. North Street, Talladega
Tallapoosa—Owen Harper .....	East Tallassee

**ROSTER OF THE HOUSE OF REPRESENTATIVES OF ALABAMA**  
**—Continued**

Tuscaloosa—Place No. 1—A. K. (Temo) Callahan .....913 First  
National Bank Bldg., Tuscaloosa  
Place No. 2—William D. Campbell, Jr. ...Tuscaloosa  
Place No. 3—Ralph D. Brown .....2210 10th Ave.,  
Tuscaloosa

Walker—Place No. 1—Louie M. Scurlock .....Gen. Del., Sumiton  
Place No. 2—Tom Bevill .....Box 1091, Jasper

Washington—J. Emmett Wood .....Millry

Wilcox—Sam C. Nettles, Jr. ....Arlington

Winston—John A. Posey, Jr. ....Haleyville

# INDEX TO ACTS

## SECOND SPECIAL SESSION

### CONVENED SEPTEMBER 9, 1965

## SUBJECT INDEX

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